

United States District Court  
Middle District of Florida  
Jacksonville Division

LISEBERTHE GESSICA BIENAIME,

*Plaintiff,*

v.

NO. 3:24-cv-982-WWB-PDB

WELLS FARGO BANK,

*Defendant.*

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**Order**

The plaintiff sues Wells Fargo Bank, Doc. 1, and applies to proceed without prepaying fees or costs, Doc. 2. She alleges Wells Fargo's software produced inaccurate information that resulted in a \$225 charge against her. Doc. 1 at 4.

A federal district court must have jurisdiction to decide a dispute. *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006). If a court determines that jurisdiction is lacking, the court must dismiss the action. Fed. R. Civ. P. 12(h)(3). The dismissal must be without prejudice. *Stalley ex rel. U.S. v. Orlando Reg'l Healthcare Sys., Inc.*, 524 F.3d 1229, 1232 (11th Cir. 2008).

A federal court may have jurisdiction under a specific statutory grant, federal-question jurisdiction under 28 U.S.C. § 1331, or diversity jurisdiction under 28 U.S.C. § 1332(a). *Baltin v. Alaron Trading Corp.*, 128 F.3d 1466, 1469 (11th Cir. 1997).

Jurisdiction under § 1331 is known as “federal question” jurisdiction. That statute permits a federal district court to exercise jurisdiction over a civil action “arising under” federal law. 28 U.S.C. § 1331. An example of a civil action arising under federal law is a civil action claiming patent infringement in violation of federal patent law.

Jurisdiction under § 1332 is known as “diversity” jurisdiction. That statute permits a federal district court to exercise jurisdiction over a civil action between citizens of different states involving an amount in controversy exceeding \$75,000. 28 U.S.C. § 1332(a)(1). An example of a civil action over which a court would have diversity jurisdiction is a civil action between a Florida citizen and a Georgia citizen claiming damages of \$76,000 for negligence under Florida common law.

Here, the Court does not appear to have federal-question jurisdiction because no federal claim is discernable from the facts alleged in the complaint. *See* Doc. 1. The Court does not have diversity jurisdiction because, at a minimum, the amount in controversy does not exceed \$75,000. *See* Doc. 1 at 4 (alleging \$225 as the amount in controversy).

By **November 4, 2024**, the plaintiff must show cause why the Court should not dismiss the action without prejudice for lack of subject-matter jurisdiction. If the plaintiff fails to timely show cause, the Court may dismiss the action. The Court **defers** ruling on the application to proceed without prepaying fees or costs, Doc. 2, until a determination on subject-matter jurisdiction.

The Court’s website offers resources for unrepresented litigants, including a *Guide for Proceeding Without a Lawyer*. In addition, the

Jacksonville Federal Court Bar Association operates a Legal Information Program through which unrepresented litigants can obtain information from a lawyer on a limited basis for free. To participate, the plaintiff may contact the clerk's office at (904) 549-1900.

**Ordered** in Jacksonville, Florida, on October 1, 2024.



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PATRICIA D. BARKSDALE  
*United States Magistrate Judge*

c: Liseberthe Gessica BienAime  
7400 Powers Ave., Apt. 583  
Jacksonville, FL 32217