

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MARIAH SANTOS,
Plaintiff,

v.

A WHEELS INC. *also known as*
SHANNON MOTORS; JOHN J.
GOSSELIN, *President*; EASY AUTO
LEASING, LLC; and PAUL REIS
Sales Agent/ Shannon Motors,
Defendant.

C.A. No. 20-39-JJM-LDA

ORDER

Mariah Santos filed a Complaint in this Court alleging that the Defendants have illegally failed to return her \$4000 deposit to purchase a used car, and that they committed fraud and deceptive trade practices in having her sign lease papers while representing to her that she was purchasing the car. She returned the car the next day, yet the Defendants refused to refund her deposit. She seeks return of her deposit and other damages proximately caused by the Defendants' actions. In her Complaint she alleges violation of the Rhode Island Deceptive Trade Practices Act (R.I. Gen. Laws § 6-13.1) and common law fraud.

The Defendants have moved to dismiss the complaint alleging, among other things, that this federal court lacks subject-matter jurisdiction over her claims. ECF Nos. 7, 9. Ms. Santos objects. ECF Nos. 8, 10.

Ms. Santos must show that this Court has jurisdiction because of a federal question (28 U.S.C. § 1331) or diversity of citizenship. 28 U.S.C. § 1332. There is no diversity jurisdiction because the parties are all from the same state.

And there is no federal-question jurisdiction. While Ms. Santos claims deceptive trade practices and fraud, those are state-law claim. There is no federal statute that gives her a claim in federal court for deceptive trade practices or fraud.

This Court feels terribly that Ms. Santos, who is seeking justice for her claim, has been given the run around by the courts. As she says:

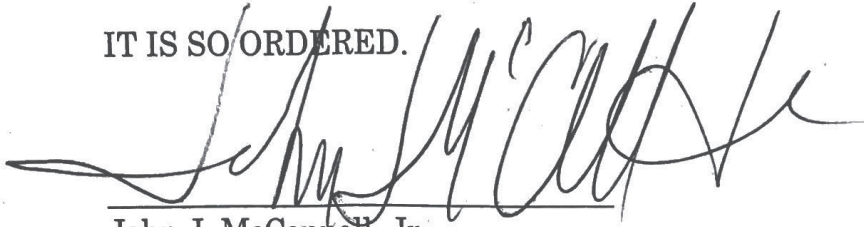
this case was accepted in the Kent County Court House and was dismissed due to the wrong jurisdiction. I was then told I needed to file in Providence 6th District Court, One Dorrance St. which was rejected there stating I needed to file at the District Court House on Exchange St. in which the clerk wasn't sure if that was correct either.

ECF No. 1 at 8. Ms. Santos should not have been given such a run around simply trying to file her complaint seeking justice in our courts.

This complaint belongs in state court. It can be filed in Rhode Island District Court, Sixth Division, at One Dorrance Street, Providence, R.I. if the amount in controversy is under \$10,000. It can be filed in Rhode Island Superior Court, Providence County, at 250 Benefit Street, Providence, R.I. if the amount in controversy is over \$5,000. The Clerk's Office at either of these courts should be able to help Ms. Santos with her filing.

Because this Court does not have subject matter jurisdiction, the Court must GRANT Defendants' Motion to Dismiss, WITHOUT PREJUDICE. ECF No. 7.

IT IS SO ORDERED.

A large, stylized handwritten signature in black ink, appearing to read 'John J. McConnell, Jr.', is written over a horizontal line.

John J. McConnell, Jr.
Chief Judge
United States District Court

September 1, 2020