

FILED
JUL 15 2010
FBI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IDA SMITH,

Plaintiff,

-v-

CHARLES HAMILTON Sr., Licensed Surveyor,
PAUL HOFFMAN, JANE HOFFMAN-WALKER, and
GLORIA MCGOWAN,

Defendants.
-----X

10 Civ. 4089 (DLC)

MEMORANDUM OPINION
AND ORDER

DENISE COTE, District Judge:

On May 18, 2010, pro se plaintiff Ida Smith ("Smith") filed her complaint seeking to have a survey map of real property in the U.S. Virgin Islands ("USVI") registered at the Cadastral's Office in the USVI; to have the Court determine the boundary lines of property in the USVI; to remove a "mandate" placed on the USVI property; and monetary damages of \$29,312,250. All defendants are alleged to be citizens of St. Thomas in the USVI. The complaint grounded subject matter jurisdiction on diversity of citizenship. On June 8, the Court issued an Order to Show Cause why the case should not be transferred to the District Court of the U.S. Virgin Islands. In an affidavit filed June 25, Smith stated that she was in the process of amending her complaint to add a 42 U.S.C. § 1983 claim. She also implied that she would not receive fair and impartial treatment in a USVI court.

Venue is governed by 28 U.S.C. § 1391. Under that statute, if subject matter jurisdiction is based on diversity of citizenship of the parties, a case may be brought

only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(a) (emphasis supplied). If the civil action is based on a question of federal law, such as a § 1983 claim, the case may be brought

only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(b) (emphasis supplied).

The plaintiff has not alleged any facts to justify venue in the Southern District of New York, even if the complaint is amended to allege a § 1983 claim. Smith has alleged that all defendants reside in the USVI and that the dispute revolves

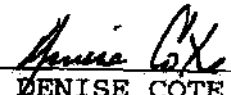
around real property in the USVI and events taking place in the USVI. She has not alleged that any defendant would be subject to personal jurisdiction here, nor that any defendant may be found in the Southern District of New York, much less that there is no district in which this case could otherwise be brought.

CONCLUSION

The Clerk of Court shall transfer this case to the District Court for the U.S. Virgin Islands.

SO ORDERED:

Dated: New York, New York
July 1, 2010


DENISE COTE
United States District Judge

A CERTIFIED COPY
RUBY J. KRAJICK, CLERK
BY 
Deputy Clerk

Copy sent to:

Ida Smith
580 Main Street, Apt. 454
New York, NY 10044

JUDGE COTE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

10 CIV 4089

Ida Smith

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

1

-against-

Charles Hamilton Sr. Licensed Surveyor
Paul Hoffman
Jane Hoffman-Walker
Gloria McGowanJury Trial: ☒ Yes ☐ No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name Ida Smith
 Street Address 580 Main Street apt 454
 County, City New York, New York City
 State & Zip Code New York, 10044
 Telephone Number 212-813-1295

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Charles Hamilton Sr.
 Street Address P.O. Box 302463
 County, City ST. Thomas U.S.V.I.
 State & Zip Code ST. Thomas Virgin Islands 00803
 Telephone Number 340-776-3844

Defendant No. 2

Name Paul Hoffman c/o Attorney Maria Hodge
 Street Address 1340 Taarneberg
 County, City ST. Thomas Virgin Islands
 State & Zip Code ST. Thomas, V.I. 00802
 Telephone Number 340-774-6845

Defendant No. 3

Name Gloria McGowan c/o Attorney Maria Hodge
 Street Address 1340 Taarneberg
 County, City ST. Thomas Virgin Islands
 State & Zip Code ST. Thomas 00802
 Telephone Number 340-774-6845

Defendant No. 4

Name Jane Hoffman Walker c/o Attorney Maria Hodge
 Street Address 1340 Taarneberg
 County, City ST. Thomas Virgin Islands
 State & Zip Code ST. Thomas, 00802
 Telephone Number 340-774-6845

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☐ Federal Questions☒ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship New YorkDefendant(s) state(s) of citizenship ST. Thomas United States Virgin Islands

Continued from Statement of Claim - Ida Smith against Paul Hoffman
Letter C - Facts - page 2

Attached and is stamped with the date and time submitted to the court) and he also said there was no rationale for the request. The rationale is the written request from the Cadastral's office, Chester Paul. The late Judge D'Erano committed suicide in April 2009, I put in my motion February 2009. A survey of 13A Estate Friese was done in 1961 and 1986 by N.O. Wells and Charles Hamilton respectively. The map done by N.O. Wells was deemed inaccurate in 1967 by Judge Walter Gordon. The map done by Charles Hamilton is the exact same map as N.O. Wells and it inaccurately includes Estate 14I John's Folly. I have copies of a composite map certified by the Cadastral's office which shows the delineation of 13A and 14I. Judge Alphonso Christian was a lawyer for the ~~plaintiffs~~ ^{defendants}, predecessors and became a judge and did not recuse himself from this case in the 80's. An order dated November 2008 states Judge Alphonso Christian should have recused himself in order to preclude

Continued from Statement of claim Letter C-Facts page 3
Ida Smith against Paul Hoffman

future litigation on this issue.

As to the question who else saw what happened,
Paula Claxton, clerk of courts in U.S. Virgin Islands
and Vicki George, supervisor to Paula Claxton, saw
the map I submitted with the motion to the late
Judge D'eramo on February 3, 2009 and it is
still in the court file.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. I want the court to order the 1 survey map done by Timothy Tallman of Estate John's Folly 14-I be registered at the Cadastral's office, I also want the court to determine the boundary lines between Estate 13A and 14I ST. John U.S. V.I. with the maps submitted as evidence and the deeds, agricultural tax credit and all I am seeking monetary damages totaling (\$29,312,250) twenty nine million three hundred twelve thousand two hundred fifty dollars on the basis of the value of the land, legal fees, surveyor fees, engineer fees, and the fact that my family and I were denied are unalienable rights to utilize our land. Lastly, I want the court to remove the mandate placed on the property- 14I Estate John's Folly Coral Bay Quarters U.S Virgin Islands.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20__.

Signature of Plaintiff

[Signature]

Mailing Address

586 Main Street #454
New York City, N.Y 10044

Telephone Number

212 8131295

Fax Number (if you have one)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this ____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Inmate Number
