

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

Deann Goudy-Bartolotta v. Memorial Pain Clinic; Brandon Bailey,
M.D.; Access Pain Solutions; Frank J. Hackl, M.D.; Axis Healthcare;
James Lackey, M.D.; Warren Clinic; and Muhammad Qasim
Maqbool, M.D.

Goudy-Bartolotta · No. 26-CV-0162-CVE-MTS · Decided April 8, 2026

SUMMARY

The United States District Court for the Northern District of Oklahoma dismissed Deann Goudy-Bartolotta’s pro se complaint for lack of subject-matter jurisdiction. The court held that the complaint’s conclusory references to federal statutes and the Fourteenth Amendment did not adequately establish a federal question, and that the plaintiff failed to allege diversity jurisdiction.

CASE DETAILS

COURT	United States District Court for the Northern District of Oklahoma
WRITING FOR THE COURT	Claire V. Eagan
JURISDICTION	United States District Court for the Northern District of Oklahoma
DECIDED	April 8, 2026
DOCKET	26-CV-0162-CVE-MTS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a complaint asserting federal-question jurisdiction under the Americans with Disabilities Act, the Rehabilitation Act, and the Fourteenth Amendment, and seeking declaratory, injunctive, and other relief. The district court sua sponte reviewed subject-matter jurisdiction and dismissed the complaint under Federal Rule of Civil Procedure 12(h)(3).
STANDARD OF REVIEW	The court independently assessed its subject-matter jurisdiction and applied the pleading standards governing federal-question and diversity jurisdiction, while liberally construing the pro se complaint.
PRECEDENTIAL VALUE	unknown

TOPICS

subject matter jurisdiction

pleadings

civil procedure

ada / disability

health law

PRACTICE AREAS

civil procedure

health law

civil rights

disability discrimination

QUESTIONS PRESENTED

1. Whether the complaint adequately alleged facts establishing federal-question jurisdiction under 28 U.S.C. § 1331.
2. Whether the complaint adequately alleged complete diversity of citizenship and the amount-in-controversy requirement for diversity jurisdiction under 28 U.S.C. § 1332(a).
3. Whether the court was required to dismiss the action for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(h)(3).

HOLDINGS

1. Merely listing federal statutes or constitutional provisions does not establish federal-question jurisdiction; the plaintiff must identify the federal provision giving rise to the claim and allege sufficient facts showing that the claim arises under federal law.
2. A complaint does not establish diversity jurisdiction without allegations supporting complete diversity of citizenship and the required amount in controversy.
3. A federal court must dismiss an action when it determines that subject-matter jurisdiction is lacking, and it may raise the jurisdictional issue sua sponte at any stage of the litigation.

KEY QUOTATIONS

“The presence of a federal question cannot be established by simply listing federal statutes or constitutional provisions.” (3)

“The Court is left with no basis on which to conclude it has subject-matter jurisdiction, and it must therefore dismiss plaintiff’s claims under Rule 12(h)(3).” (3)

FACTUAL BACKGROUND

Plaintiff alleged that the defendant healthcare providers and entities denied or conditioned access to medical care after requiring her to undergo invasive epidural steroid injections as a prerequisite to receiving other medically necessary treatment. She declined the injections and alleged that she was left without medical care and suffered severe ongoing pain and instability. Her complaint invoked the Americans with Disabilities Act, the Rehabilitation Act, and the Fourteenth Amendment, but did not identify defendants' citizenships or allege an amount in controversy.

PROCEDURAL HISTORY

Deann Goudy-Bartolotta filed the complaint in the United States District Court for the Northern District of Oklahoma. The court determined that the complaint did not adequately establish federal-question or diversity

jurisdiction and dismissed the action for lack of subject-matter jurisdiction. The court directed that a separate judgment of dismissal be entered.

DISPOSITION

dismissed

CASES CITED

- Merida Delgado v. Gonzalez, 428 F.3d 916, 919 (10th Cir.)
- Penteco Corp. v. Union Gas Sys., Inc., 929 F.2d 1519, 1521 (10th Cir.)
- McNutt v. Gen. Motors Acceptance Corp. of Ind., Inc., 298 U.S. 178, 182 (1936)
- Montoya v. Chao, 296 F.3d 952, 955 (10th Cir.)
- Image Software, Inc. v. Reynolds & Reynolds Co., 459 F.3d 1044, 1048 (10th Cir.)
- Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Gaines v. Stenseng, 292 F.3d 1222, 1224 (10th Cir.)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir.)
- Garley v. Sandia Corp., 236 F.3d 1200, 1207 (10th Cir.)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Martinez v. U.S. Olympic Comm., 802 F.2d 1275, 1280 (10th Cir.)
- Hagans v. Lavine, 415 U.S. 528, 539 (1974)
- McPhail v. Deere & Co., 529 F.3d 947, 951 (10th Cir.)

OPINION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA
DEANN GOUDY-BARTOLOTTA,)) Plaintiff,)) v.) Case No. 26-CV-0162-CVE-MTS)
MEMORIAL PAIN CLINIC;) BRANDON BAILEY, M.D.;) ACCESS PAIN SOLUTIONS;)
FRANK J. HACKL, M.D.;) AXIS HEALTHCARE;) JAMES LACKEY, M.D.;) WARREN
CLINIC; and) MUHAMMAD QASIM MAQBOOL, M.D.,)) Defendants.) OPINION AND
ORDER Now before the court is a complaint (Dkt. # 1), filed by plaintiff Deann Goudy-
Bartolotta, proceeding pro se.

Having reviewed plaintiff's complaint, the Court finds that plaintiff fails to show that the Court has subject-matter jurisdiction. As the Court must dismiss a case once it determines that it lacks subject-matter jurisdiction, the Court dismisses plaintiff's complaint. Federal courts are courts of limited jurisdiction, and there is a presumption against the exercise of federal jurisdiction.

Merida Delgado v. Gonzalez, 428 F.3d 916, 919 (10th Cir. 2005); Penteco Corp. v. Union Gas Sys., Inc., 929 F.2d 1519, 1521 (10th Cir. 1991). Plaintiff has the burden to allege jurisdictional

facts demonstrating the presence of federal subject-matter jurisdiction. *McNutt v. Gen. Motors Acceptance Corp. of Ind., Inc.*, 298 U.S. 178, 182 (1936) (“It is incumbent upon the plaintiff properly to allege the jurisdictional facts, according to the nature of the case.”); *Montoya v. Chao*, 296 F.3d 952, 955 (10th Cir.

2002) (“The burden of establishing subject-matter jurisdiction is on the party asserting jurisdiction.”). Regardless of whether a litigant raises the issue of jurisdiction, the Court has an obligation to consider whether subject-matter jurisdiction exists. FED. R. CIV. P. 12(h)(3).

As the Supreme Court has stated and the Tenth Circuit has reiterated, federal courts have independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party,’ and thus a court may sua sponte raise the question of whether there is subject matter jurisdiction ‘at any state of the litigation.’” *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir.

2006) (quoting *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006)). Here, plaintiff proceeds pro se, and, as is required by both Supreme Court and Tenth Circuit precedent, the Court must liberally construe her pleadings when considering the allegations contained in her complaint. *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Gaines v. Stenseng*, 292 F.3d 1222, 1224 (10th Cir.

2002). Although the Court must hold a pro se plaintiff's pleadings to a less stringent standard than those drafted by lawyers, it is not “the proper function of the district court to assume the role of advocate for the pro se litigant.” *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). Plaintiff asserts that the basis for jurisdiction is a federal question, arising under a panoply of federal laws, including the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101-12213), the Rehabilitation Act of 1973 (29 U.S.C. § 701, et seq.), and the Fourteenth Amendment to the Constitution.

Dkt. #1, at 2. Although plaintiff invokes a federal question as the basis of this Court’s jurisdiction, id., she fails to meet the minimum pleading standard of 28 U.S.C. § 1331. The presence of a federal question cannot be established by simply listing federal statutes or constitutional provisions. Rather, the “well-pleaded complaint rule... provides that federal jurisdiction only exists when a federal question is presented on the face of a plaintiffs properly pleaded complaint.” *Garley v. Sandia Corp.*, 236 F.3d 1200, 1207 (10th Cir.

2001) (quoting *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987)). It is the plaintiff’s burden to identify “the statutory or constitutional provision under which the claim arises, and allege sufficient facts to show that the case is one arising under federal law.” *Martinez v. U.S. Olympic Comm.*, 802 F.2d 1275, 1280 (10th Cir. 1986) (emphasis added). Beyond listing federal statutes and a constitutional provision, plaintiff makes vague, conclusory statements regarding actions

taken by defendants, such as that she is “without medical care and suffers severe ongoing pain and instability.” Dkt. # 1, at 4.

Plaintiff’s claims stem from the alleged refusal of medical care by defendants after they required plaintiff to receive “invasive ESI injections” as a prerequisite to receiving other “medically necessary” treatment, and plaintiff declined the injections. It is unclear to the Court how defendants’ alleged actions could comprise a viable cause of action under either of the federal statutes or the constitutional provision invoked.

At this stage, plaintiff’s allegations are “too insubstantial for consideration” even under the liberal pleading standard afforded to plaintiff as a litigant proceeding pro se. *Martinez*, 802 F.2d at 1280 (quoting *Hagans v. Lavine*, 415 U.S. 528, 539 (1974)). Nor does plaintiff allege that complete diversity of citizenship exists among the parties for the Court to exercise jurisdiction under 28 U.S.C. § 1332(a).

McPhail v. Deere & Co., 529 F.3d 947,951 (10th Cir. 2008). In plaintiff’s complaint, she fails to identify defendants’ citizenships, identifying them in the section titled “parties” as “healthcare providers and entities who denied or conditioned [p]laintiff’s access to care.” Dkt. # 1, at 2. Plaintiff also fails to allege what, if any, amount is in controversy; she seeks relief in the form of declaratory judgment, preliminary and permanent injunction, and unspecified costs, in addition to “any further relief deemed appropriate.” Id. at 4.

The Court is left with no basis on which to conclude it has subject-matter jurisdiction, and it must therefore dismiss plaintiff’s claims under Rule 12(h)(3). 3 IT IS THEREFORE ORDERED that plaintiff’s complaint (Dkt. # 1) is dismissed for lack of subject-matter jurisdiction. A separate judgment of dismissal is entered herewith. DATED this 8th day of April, 2026.

BP eee CLAIRE V.EAGAN _ UNITED STATES DISTRICT JUDGE