

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Michael Dubensky v. Lathrop Home Chicago

Dubensky · No. 25-cv-07231 · Decided January 20, 2026

SUMMARY

The United States District Court for the Northern District of Illinois dismissed Michael Dubensky’s claims against Lathrop Home Chicago without prejudice for lack of subject-matter jurisdiction. The court concluded that the asserted breach-of-contract and negligence claims did not present a federal question and that diversity jurisdiction was not adequately alleged. The defendant’s motion to dismiss under Rule 12(b)(6) was denied as moot, and the case was terminated.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Mary M. Rowland
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	January 20, 2026
DOCKET	25-cv-07231
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the pro se complaint for failure to state a claim. The court first considered whether it had subject matter jurisdiction and dismissed the action without prejudice for lack of jurisdiction.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true, construes the complaint in the plaintiff's favor, and determines whether the allegations plausibly state a claim for relief. The court independently considered subject matter jurisdiction, which must exist before the merits may be reached.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order

TOPICS

- subject matter jurisdiction
- motions to dismiss
- breach of contract
- negligence
- civil procedure

PRACTICE AREAS

civil procedure

subject matter jurisdiction

contracts

negligence

QUESTIONS PRESENTED

1. Whether the complaint established federal-question jurisdiction over claims for breach of a rental agreement and negligence.
2. Whether the complaint established diversity jurisdiction.
3. Whether the court could reach the merits of the defendant's Rule 12(b)(6) motion without subject matter jurisdiction.

HOLDINGS

1. The complaint did not establish federal-question jurisdiction because its breach-of-contract and negligence claims arose under state law and did not depend on resolution of a substantial question of federal law.
2. The complaint did not establish diversity jurisdiction because it alleged neither that the defendant was a citizen of another state nor that the amount in controversy exceeded \$75,000.
3. A federal court may not decide the merits of a case without subject matter jurisdiction and must dismiss when jurisdiction is absent.

KEY QUOTATIONS

“Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.”

“Indeed, because the Court lacks jurisdiction, it cannot decide the merits of the case and must dismiss on this jurisdictional basis.”

FACTUAL BACKGROUND

Dubensky alleged that federal law might prohibit nonrenewal of his lease unless he missed a rent payment during the second year. He also alleged possible injuries from allegedly unclean staircases and conditions around the apartment building, including a foot sore, a cut and bruise, itching, and calf discomfort. The complaint asserted claims construed by the court as breach of contract and negligence.

PROCEDURAL HISTORY

Michael Dubensky filed a two-sentence complaint alleging breach of a rental agreement and negligence against Lathrop Home Chicago. Lathrop moved to dismiss under Rule 12(b)(6). The district court concluded that the complaint did not establish federal-question or diversity jurisdiction, denied the motion to dismiss as moot, and dismissed the case without prejudice for lack of subject matter jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Lax v. Mayorkas, 20 F.4th 1178, 1181 (7th Cir. 2021)
- Haywood v. Massage Envy Franchising, LLC, 887 F.3d 329, 333 (7th Cir. 2018)
- Camasta v. Jos. A. Bank Clothiers, Inc., 761 F.3d 732, 736 (7th Cir. 2014)
- Bilek v. Fed. Ins. Co., 8 F.4th 581, 586 (7th Cir. 2021)
- Sevugan v. Direct Energy Servs., LLC, 931 F.3d 610, 614 (7th Cir. 2019)
- Bell v. City of Chicago, 835 F.3d 736, 738 (7th Cir. 2016)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 558 (2007)
- McCauley v. City of Chicago, 671 F.3d 611, 616 (7th Cir. 2011)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Cesal v. Moats, 851 F.3d 714, 720 (7th Cir. 2017)
- Christianson v. Colt Industries Operating Corp., 486 U.S. 800, 808 (1988)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 94-95 (1998)
- Meyers v. Oneida Tribe of Indians of Wisconsin, 836 F.3d 818, 821 (7th Cir. 2016)

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