

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

<b>NANCY A. STARR,</b>	)	
	)	
Plaintiff,	)	Case No. 1:11CV00003
	)	
v.	)	<b>OPINION</b>
	)	
<b>COMMONWEALTH OF VIRGINIA, ET AL.,</b>	)	By: James P. Jones
	)	United States District Judge
	)	
Defendants.	)	

*Nancy A. Starr, Pro Se Plaintiff.*

The plaintiff, Nancy A. Starr, has filed a pro se Complaint against the Commonwealth of Virginia, Department of Transportation, and Joseph Lyle, Trustee. She has been allowed to proceed in forma pauperis, but I am obligated to review the case sua sponte, pursuant to 28 U.S.C.A. § 1915(e)(2)(B) (West 2006)

The plaintiff's action involves a parcel of land located in Washington County, Virginia, adjacent to Interstate 81. This land, and the plaintiff's alleged treatment by the Virginia Department of Transportation, was the subject of a prior pro se suit by her in this court, which was dismissed on various grounds. *Starr v. Shucet*, No. 1:05CV00026, 2005 WL 1657102 (W.D. Va. July 15, 2005), *aff'd*, 164 F. App'x 372 (4th Cir. 2006) (unpublished).

The plaintiff alleges that the land was sold by the defendant trustee under a deed of trust. While she makes various claims against the trustee, none of them provide this court with federal jurisdiction. There is no other claimed basis of jurisdiction, and accordingly all claims against Joseph Lyle, Trustee, will be dismissed for lack of jurisdiction.

The plaintiff's claims against the Commonwealth of Virginia, acting through its Department of Transportation, are barred by the Eleventh Amendment. Moreover, the claims made here were or could have been made in her earlier suit in this court, and are thus barred by the principles of res judicata.

For these reasons, the plaintiff's action will be dismissed.

DATED: January 19, 2011

/s/ James P. Jones  
United States District Judge