

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

KAREN DUMKA CRA LLC,

Plaintiff,

vs.

LIVENTA BIOSCIENCE, LLC,

Defendant.

CV-15-82-BU-BMM

ORDER

Plaintiff Karen Dumka CRA LLC filed a *pro se* Complaint on December 18, 2015, asserting a claim for breach of contract against Defendant Liventa Bioscience, LLC. (Doc. 1). Plaintiff seeks \$45,083.46, exclusive of interest and costs, for professional services provided under the parties' contract. The Complaint alleges diversity jurisdiction under 28 U.S.C. § 1332(a)(1).

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this matter on December 18, 2015. (Doc. 2). Judge Lynch recommended that the Complaint be dismissed because diversity jurisdiction is not established. (Doc. 2 at 2). Plaintiff did not file objections to Judge Lynch's Findings and Recommendations.

The Court has reviewed Judge Lynch's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d

1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Lynch's Findings and Recommendations, and adopts them in full. The amount placed in controversy by the Complaint does not exceed the required jurisdictional amount of \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a).

Accordingly, IT IS ORDERED:

1. Plaintiff's Complaint (Doc. 1) is DISMISSED without prejudice for lack of jurisdiction.
2. The \$400 filing fee paid by Plaintiff shall be refunded given that the form of complaint provided by the Clerk's office does not adequately explain that diversity jurisdiction only exists if the amount in controversy exceeds \$75,000, exclusive of interest and costs.
3. The Clerk is directed to enter judgment accordingly.

DATED this 22nd day of January, 2016.



Brian Morris
United States District Court Judge