

1 **WO**

2

3

4

5

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8

9 Lucas Augustine,

10 Plaintiff,

11 vs.

12

13 Spare Backup, Inc.,

14

15 Defendant.

No. CV 12-2251-PHX-JAT

ORDER

16

17

18

19

20

21

22

23

24

25

26

27

28

Federal courts are courts of limited jurisdiction. As a result, they can hear only those cases that the Constitution and Congress have authorized them to adjudicate: namely, cases involving diversity of citizenship, a federal question, or cases to which the United States is a party. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The party asserting jurisdiction bears the burden of proving that this Court has jurisdiction. *Id.*

The Court has reviewed the complaint in this case and finds Plaintiff has not pleaded federal subject matter jurisdiction. Specifically, all of Plaintiff's causes of action are based on Arizona state statutes. Further, Plaintiff has not alleged diversity. *See e.g. Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1192 (2010). Because Plaintiff filed his suit in federal district court, he must show that the federal court is authorized to hear his case. Accordingly,

///

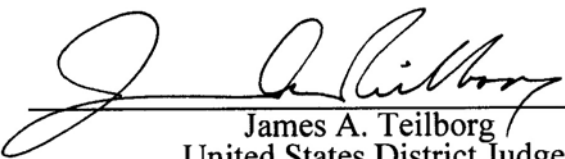
///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS ORDERED that Plaintiff shall file an amended complaint alleging federal subject matter jurisdiction within 30 days of the date of this Order, or this case will be dismissed, without prejudice, for lack of federal subject matter jurisdiction.

DATED this 1st day of November, 2012.



James A. Teilborg
United States District Judge