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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 James Harris,

10 Plaintiff,

11 v.

12 St. Joseph's Hospital and Medical Center, et
13 al.,

14 Defendants.

No. CV-16-01234-PHX-JAT

ORDER

15 On May 20, 2016, the Court issued the following Order:

16 Federal courts are courts of limited jurisdiction. As a result, they
17 can hear only those cases that the Constitution and Congress have
18 authorized them to adjudicate: namely, cases involving diversity of
19 citizenship, a federal question, or cases to which the United States is a
20 party. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377
(1994). The party asserting jurisdiction bears the burden of proving a
jurisdictional basis exists. *Id.* In this case, because Plaintiff filed his suit in
federal district court, he must show that the federal court is authorized to
hear the case.

21 In the complaint, Plaintiff states, "Jurisdiction is within the statutory
22 guide lines of the Federal District Court..." Doc. 1 at 2. Plaintiff's sole
23 cause of action is for negligence. Plaintiff claims to be a citizen of Arizona.
It appears Defendants are also citizens of Arizona. Accordingly, it does not
seem that either diversity jurisdiction or federal question jurisdiction exist
in this case.

24 Therefore,

IT IS ORDERED that within 21 days, Plaintiff shall file a
25 supplement to his complaint alleging a basis for federal subject matter
jurisdiction or this case will be dismissed for lack of jurisdiction.

26 Doc. 5.

27 In "response" to this Order, on June 1, 2016, Plaintiff moved to dismiss this case
28 (with prejudice). Doc. 6. The Court will grant the motion; however, because the Court

1 remains uncertain of its jurisdiction over this action, the dismissal will be without
2 prejudice.

3 Therefore,

4 **IT IS ORDERED** that the motion to dismiss (Doc. 6) is granted. This case is
5 dismissed, without prejudice.

6 Dated this 3rd day of June, 2016.

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