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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Gregory Micheal Ellis,
10 Plaintiff,

11 v.

12 Circle K Corporation, et al.,
13 Defendants.
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No. CV-18-01842-PHX-JAT

ORDER

15 Pending before the Court is Plaintiff's application to proceed in forma pauperis.
16 "Inquiring whether the court has jurisdiction is a federal judge's first duty in every case."
17 *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 693 (7th Cir.
18 2003). In this case, Plaintiff's "complaint" is actually two separate complaints run
19 together as a single document. (Doc. 1).

20 In complaint 1, Plaintiff alleges jurisdiction based on diversity. (Doc. 1 at 3).
21 However, Plaintiff fails to plead the citizenship of any party. *See generally Caterpillar v.*
22 *Lewis*, 386 U.S. 523, 531 (1996). Further, the address listed for every party is in Arizona.

23 In complaint 2, Plaintiff alleges federal question jurisdiction. In this complaint,
24 Plaintiff leaves blank all sections on federal question jurisdiction. (Doc. 1 at 8). On this
25 record, Plaintiff has failed to allege federal question jurisdiction.

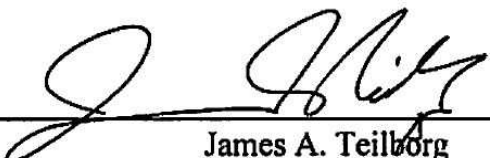
26 Based on the foregoing, Plaintiff has failed to allege or establish federal subject
27 matter jurisdiction. Therefore,

28 **IT IS ORDERED** that by June 28, 2018, Plaintiff shall file an amended (single)

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complaint properly alleging federal subject matter jurisdiction or this case will be dismissed, without prejudice.

Dated this 14th day of June, 2018.



James A. Teilborg
Senior United States District Judge