

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:08-cv-06690-FMC-AJWx Date November 3, 2008

Title Edmond Daire v. Northglen Capital LLC et al

Present: The Honorable FLORENCE-MARIE COOPER

Alicia Mamer

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not present

Not present

Proceedings: ORDER TO SHOW CAUSE re DISMISSAL FOR LACK OF JURISDICTION (In Chambers)

On October 10, 2008, Pro se Plaintiff Edmond Daire filed a Complaint, asserting claims for wrongful trustee sale, negligent and intentional misrepresentation, intentional infliction of emotional distress, fraud, breach of contract, quiet title, abuse of process, and civil conspiracy. The Court has reviewed Plaintiff's Complaint and is not satisfied that Plaintiff has stated one or more claims over which this Court has jurisdiction.

This Court is a court of limited jurisdiction. The Court may only hear cases arising out of federal law ("federal question jurisdiction") or cases between citizens of different states ("diversity jurisdiction"). See 15 Moore's Federal Practice §100.20 (Matthew Bender 3d ed. 2004). Additionally, Federal Rule of Civil Procedure 8(a) requires that a complaint include "a short and plain statement of the grounds upon which the court's jurisdiction depends." Each allegation in a pleading "must be simple, concise, and direct." Fed. R. Civ. P. 8(d)(2).

Plaintiff's Complaint does not include any indication that federal question jurisdiction is implicated here. Although it appears that Plaintiff may believe that diversity jurisdiction exists, such jurisdiction is not clear from the allegations in his Complaint. If this Court does not have subject matter jurisdiction, the case cannot proceed in federal court.

Therefore, Plaintiff is ORDERED TO SHOW CAUSE why his Complaint should not be dismissed for lack of federal subject matter jurisdiction. No later than December 3, 2008, Plaintiff must file either a brief (a written explanation) or an amended complaint that: (1) identifies the jurisdiction on which he bases his claim, and (2) includes clear, concise factual allegations of the circumstances and events that form the basis of his dispute with Defendants. Otherwise, the case will be dismissed.

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Initials of Preparer _____ : _____
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