

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. CV 11-7217 DSF (FMOx)

Date 9/9/11

Title Alejandro Junger v. Bank of America, et al.

Present: The Honorable DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE LACK OF SUBJECT MATTER JURISDICTION

“Federal courts are courts of limited jurisdiction” and “possess only that power authorized by [the] Constitution and statute” Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994). The party asserting federal jurisdiction has the burden to prove that jurisdiction exists. Lewis v. Verizon Commc’ns, Inc., 627 F.3d 395, 399 (9th Cir. 2010).

Plaintiff claims that the Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332, otherwise known as diversity jurisdiction. (Compl. ¶ 2.) Federal courts have diversity jurisdiction over civil actions in which: (1) the amount in controversy exceeds \$75,000; and (2) there is complete diversity of citizenship between the opposing parties. 28 U.S.C. § 1332(a). Citizenship of a natural person for diversity purposes requires that the person be (1) a U.S. citizen and (2) a domiciliary of a particular state – i.e., that the person resides in the state with the intent to remain. See Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001). Plaintiff fails to allege his own citizenship because the Complaint states only that Plaintiff has owned real property in California. (Compl. ¶ 7.)

Because Plaintiff’s allegations are inadequate to establish that diversity exists, the Court orders Plaintiff to show cause by September 19, 2011 why this action should not be dismissed for lack of subject matter jurisdiction.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM