

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 12-08607 DMG (JCGx)** Date December 28, 2012

Title ***Yelena Furmanova, et al. v. ABN AMR Mortgage Group Incorp., et al.*** Page 1 of 2

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

VALENCIA VALLERY

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)

None Present

Attorneys Present for Defendant(s)

None Present

Proceedings: IN CHAMBERS—ORDER DISMISSING ACTION FOR LACK OF SUBJECT MATTER JURISDICTION

On October 5, 2012, Plaintiffs Yelena Furmanova, Boris Volok, and David-Wynn Miller, proceeding *pro se*, filed a Complaint in this Court against Defendants ABN AMR Mortgage Group Incorporation, Commonwealth Land Title, and MERS [Doc. #1]. On October 15, 2012, this Court issued an Order to Show Cause (“OSC”) why this action should not be dismissed for lack of subject matter jurisdiction [Doc. #5]. Plaintiffs failed to respond to the OSC, and on November 15, 2012, this Court dismissed the action with prejudice [Doc. # 12]. On November 16, 2012, Plaintiffs filed a Motion for Reconsideration [Doc. # 13], which the Court granted on December 11, 2012 [Doc. # 16]. The Court set a new deadline of December 27, 2012 by which Plaintiffs were to respond to the Court’s OSC.

Plaintiffs filed a document which the Court construes as an Amended Complaint on December 18, 2012 [Doc. # 23]. The Amended Complaint, although shorter than the original Complaint, fails to cure the jurisdictional defect that existed in its predecessor: the Amended Complaint is indecipherable and does not set forth the claims Plaintiffs wish to bring against Defendants or the facts on which those claims rely, let alone the basis for federal subject matter jurisdiction. As noted in the OSC, the Court has an “independent obligation to determine whether subject-matter jurisdiction exists.” *Hertz Corp. v. Friend*, __ U.S. __, 130 S.Ct. 1181, 1193, 175 L.Ed.2d 1029 (2010). Plaintiffs bear the burden of establishing subject matter jurisdiction. *Sopcak v. N. Mountain Helicopter Serv.*, 52 F.3d 817, 818 (9th Cir. 1995). Although a less stringent examination is afforded *pro se* pleadings, see *Haines v. Kerner*, 404 U.S. 519, 520, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972), the Amended Complaint provides no reasonable basis on which the Court may find that it has subject matter jurisdiction over the case.

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CV-90

CIVIL MINUTES—GENERAL

Initials of Deputy Clerk vv

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The Court finds that Plaintiffs' December 18, 2012 response to the OSC fails to establish this Court's jurisdiction over the case. Accordingly, the action is **DISMISSED without prejudice.**

IT IS SO ORDERED.