

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 16-3510 FMO (RAOx)	Date	June 13, 2016
Title	Terry Lee Steward v. United States of America		

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Present: The Honorable Fernando M. Olguin, United States District Judge

Julieta Lozano

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorney Present for Plaintiff(s):

Attorney Present for Defendant(s):

None Present

None Present

**Proceedings: (In Chambers) Order to Show Cause Re Dismissal for Lack of Jurisdiction**

On May 20, 2016, pro se plaintiff Terry Lee Steward ("Steward") filed his complaint alleging that the United States Veterans Administration wrongfully denied his claims for benefits to treat his acid reflux disease, high cholesterol, and tinnitus, which Steward alleges were diagnosed during the course of his military service. (See Dkt. 1, Complaint at ECF 3 & 5-7; Dkt. 2, Notice of Exhibits in Support of Complaint at Exh. 1 (April 12, 2016 letter from Department of Veterans Affairs denying Steward's claim for benefits)).

Steward's complaint does not assert the basis for this court's jurisdiction. (See, generally, Dkt. 1, Complaint). Having reviewed the Complaint, however, the court is not persuaded that it has jurisdiction over plaintiff's Complaint challenging the denial of benefits. See Veterans for Common Sense v. Shinseki, 678 F.3d 1013, 1023 (9th Cir. 2012), cert. denied, 133 S.Ct. 840 (2013) ("Congress has expressly disqualified [district courts] from hearing cases related to VA benefits in [38 U.S.C. ] § 511(a) ('may not be reviewed by any ... court'), and second, Congress has conferred exclusive jurisdiction over such claims to the Veterans Court and the Federal Circuit, id. §§ 511(b)(4), 7252(a), 7292(c)."). Accordingly, IT IS ORDERED that no later than **June 27, 2016**, plaintiff shall show cause in writing why this action should not be dismissed for lack of jurisdiction. **Failure to respond to this order to show cause by the deadline set forth above shall be deemed as consent to the dismissal of the action without prejudice.**

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Initials of Preparer

jloz