

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 17-7324 RSWL (FFM) Date October 10, 2017

Title *Gerold Davis v. Paula Cavy, et al.*

Present: The Honorable Frederick F. Mumm, United States Magistrate Judge

James Munoz

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None present

None present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

Pending before this Court is Plaintiff Gerold Davis' application to proceed *in forma pauperis* (the "application"). (Dkt. 2.)

After reviewing the application and the Complaint (Dkt. 1), the Court notes that Plaintiff asserts the Court has jurisdiction over this matter under 28 U.S.C. § 1332 (diversity jurisdiction). However, Defendant David Perez Bail Bonds, Inc., ("Perez Bail Bonds") appears to be a California corporation doing business in Covina, California.¹ Because corporations are considered "citizens" of each state in which they are incorporated, Perez Bail Bonds and Plaintiff are both citizens of the same state, California. *See* 28 U.S.C. § 1332(c)(1). Thus, it appears that the Court cannot exercise jurisdiction in this matter, as diversity jurisdiction requires "complete diversity," i.e. that Plaintiff not maintain citizenship in the same state as *any* defendant. *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996).

¹ The Court takes judicial notice of California Secretary of State records, found on the California Secretary of State "business search" website (<https://businesssearch.sos.ca.gov>), which show (after entry of the appropriate query) that David Perez Bail Bonds, Inc., is a California corporation. *See* Fed. R. Evid. 201 (courts may take judicial notice of facts obtained "from sources whose accuracy cannot reasonably be questioned").

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Additionally, Plaintiff's application itself is facially deficient. In the application, Plaintiff states that he has not received any income in the past twelve months *and* that he does not have any money in a checking or savings account. However, Plaintiff presumably receives money from some source in order to pay for food, lodging, and other basic necessities. Plaintiff was required to list the source(s) and amount of that income in the application.

For the foregoing reasons, Plaintiff is ordered to show cause, in writing and within ten (10) days of the date of this Order, why his application to proceed *in forma pauperis* should not be denied for lack of jurisdiction and/or a failure to provide sufficient information for the Court to determine indigency. In his response to this Order, Plaintiff shall either inform the Court of any income sources or, if he truly lacks any income, explain how he supports himself financially. Should Plaintiff fail to respond to this Order within ten (10) days, this action is subject to dismissal for failure to prosecute and/or failure to comply with a Court order.

IT IS SO ORDERED.

Initials of Preparer _____ : _____
JM