

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 18-3180 FMO (MRWx)	Date	May 17, 2018
Title	Alpha Wolves, LLC, et al. v. See You Soon Project, LLC		

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

“Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute[.]” Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377, 114 S.Ct. 1673, 1675 (1994). The courts are presumed to lack jurisdiction unless the contrary appears affirmatively from the record. See DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 342 n. 3, 126 S.Ct. 1854, 1861 (2006). Federal courts have a duty to examine jurisdiction sua sponte before proceeding to the merits of a case, see Ruhrgas AG v. Marathon Oil, 526 U.S. 574, 583, 119 S.Ct. 1563, 1569 (1999), “even in the absence of a challenge from any party.” Arbaugh v. Y&H Corp., 546 U.S. 500, 514, 126 S.Ct. 1235, 1244 (2006). The party asserting jurisdiction has the burden of establishing subject matter jurisdiction. See Kokkonen, 511 U.S. at 377, 114 S.Ct. at 1675.

On April 16, 2018, plaintiffs filed a Complaint in this court. (See Dkt. 1, Complaint). Jurisdiction is asserted on the basis of federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and (b), (see id. at ¶ 2), but the jurisdictional allegations appear to be defective. (See id. at ¶¶ 1-2 & 12-15). Specifically, it is not clear that the case, which seeks only declaratory relief as to the copyright claim, confers jurisdiction on the court.

The First Amended Complaint, filed on May 16, 2018, also appears to be defective. (See Dkt. 13, First Amended Complaint at ¶¶ 1-2 & 17-24).

Based on the foregoing, IT IS ORDERED that:

1. No later than **May 24, 2018**, plaintiffs shall show cause in writing why this action should not be dismissed for the reasons noted above. Failure to submit a response by the deadline set forth above may be deemed as consent to the dismissal of the action without prejudice. Defendant may submit a response in the same time period.

2. A copy of all papers filed with the court shall be delivered to the Clerk’s Office window on the 4th Floor of the First Street Courthouse, 350 W. 1st Street, Los Angeles, CA 90012, **no later than 12:00 noon the following business day, no later than 12:00 noon the following business day**. All chambers copies shall comply fully with the document formatting requirements

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of Local Rule 11-3, including the “backing” requirements of Local Rule 11-3.5. Counsel may be subject to sanctions for failure to deliver a mandatory chambers copy in full compliance with this Order and Local Rule 11-3.

Initials of Preparer 00 : 00
vdr