

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 8:22-cv-00251-JLS-JDE

Date: May 09, 2022

Title: Timothy Crawley et al v. Select Portfolio Servicing, Inc. et al

Present: **HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

D. Rojas
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:
Not Present

ATTORNEYS PRESENT FOR DEFENDANT:
Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DISMISSING ACTION FOR
LACK OF SUBJECT MATTER JURISDICTION**

The Court may raise the question of subject matter jurisdiction, *sua sponte*, at any time during the pendency of an action. *See Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir. 2002); *see also* Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”). As the party invoking federal jurisdiction, Plaintiffs have the burden of establishing the existence of subject matter jurisdiction. *See Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994).

On February 19, 2022, the Court issued an Order Denying Plaintiffs’ Ex Parte Application for a Temporary Restraining Order to Restrain the Foreclosure Sale of Plaintiffs’ Property. (Order, Doc. 14.) The Court denied the application finding that Plaintiffs had “failed to carry their burden to establish federal jurisdiction.” (*Id.* at 2.) The Order specified that the Complaint asserted only violations of California state law, and, although it alleged the amount in controversy requirement was satisfied “because the loan amount exceeds \$1,000,000.00,” it did not invoke diversity jurisdiction pursuant to 28 U.S.C. § 1332 or make any allegations regarding Defendant’s citizenship. (*See id.* at 1-2 (citing Compl., Doc. 1, ¶¶ 2-3).) Despite being put on notice of these defects, Plaintiffs have not attempted to file an amended complaint or otherwise cure these jurisdictional defects.

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Accordingly, for the same reasons stated in the Court's previous Order, it now **DISMISSES** this action for lack of subject matter jurisdiction without prejudice to refiling in state court.

Initials of Deputy Clerk: droj