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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JAMES F. LONG,

No. CIV S-06-1603-MCE-CMK-P

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

Unknown,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a document entitled "Petition For Extension For Filing Law Suit Per Section 946.6" (Doc. 1). Plaintiff states that he is attempting to pursue a claim, apparently under the California Tort Claims Act. He states that, given his incarceration, he is unable to find counsel to present his case. Plaintiff seeks from this court an extension of time to file his tort action.


Plaintiff is advised that the district court is a federal court of limited jurisdiction. Generally, this court may only hear controversies involving federal law or constitutional issues and disputes between citizens of different states. Plaintiff has not alleged that either of these two conditions exist as to his claim. To the contrary, it is clear from plaintiff's document that he is attempting to pursue a state law claim. Such a claim is the province of the state courts. Pursuant

1 to Federal Rule of Civil Procedure 12(h)(3), the court concludes that it lacks subject matter
2 jurisdiction over plaintiff's dispute.

3 Based on the foregoing, the undersigned recommends that this action be
4 dismissed and that the Clerk of the Court be directed to close this file.

5 These findings and recommendations are submitted to the United States District
6 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court. The document should be captioned "Objections to Magistrate Judge's
9 Findings and Recommendations." Failure to file objections within the specified time may waive
10 the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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12 DATED: July 20, 2006.

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15 **CRAIG M. KELLISON**
16 UNITED STATES MAGISTRATE JUDGE
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