

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KHALID KHAN,
Plaintiff,
v.
U. S. BANK NATIONAL
ASSOCIATION, et al.,
Defendants.

No. 2:13-cv-2596 KJM CKD PS

ORDER TO SHOW CAUSE

By order filed June 5, 2014, this matter was reopened and referred to the undersigned for further proceedings. This matter is proceeding on the first amended complaint filed on February 10, 2014. In the amended complaint, plaintiff complains about an allegedly wrongful foreclosure. Plaintiff alleges only state law claims. The amended complaint does not allege a basis for subject matter jurisdiction in this court. The federal courts are courts of limited jurisdiction. In the absence of a basis for federal jurisdiction, plaintiff's claims cannot proceed in this venue.

Because plaintiff is proceeding on only state law claims, it appears that the only proper basis for jurisdiction would sound in diversity. Named in the amended complaint are three defendants. Although it appears from the articles of incorporation filed on June 12, 2014 (ECF No. 21) that defendant U.S. Bank National Association may be diverse, there is no evidence before the court regarding the citizenship of the remaining defendants and the amended complaint

1 is devoid of allegations regarding the citizenship of any of the defendants. In order to properly
2 invoke subject matter jurisdiction under 28 U.S.C. § 1332, the citizenship of all defendants must
3 be diverse from the citizenship of plaintiff and the matter in controversy must exceed the sum or
4 value of \$75,000. Plaintiff pleads neither requirement. Because there is no basis for federal
5 subject matter jurisdiction evident in the amended complaint, plaintiff will be ordered to show
6 cause why this action should not be dismissed. Failure to allege a proper basis for subject matter
7 jurisdiction will result in a recommendation that the action be dismissed.

8 Accordingly, IT IS HEREBY ORDERED that no later than July 2, 2014, plaintiff shall
9 show cause why this action should not be dismissed for lack of subject matter jurisdiction.

10 Dated: June 17, 2014



11 _____
12 CAROLYN K. DELANEY
13 UNITED STATES MAGISTRATE JUDGE

14 4 khan-usbank2596.2.osc.nosmj
15
16
17
18
19
20
21
22
23
24
25
26
27
28