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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONNA PINGREY,

Plaintiff,

v.

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON,

Defendant.

No. 2:16-cv-00254-KJM-CKD

ORDER

On February 9, 2016, Donna Pingrey filed a breach of contract claim in this court. ECF No. 1. Ms. Pingrey also filed a motion to proceed in forma pauperis. ECF No. 2.

Before addressing Ms. Pingrey's motion to proceed in forma pauperis, the court must determine whether it has subject matter jurisdiction to hear the case. *See Owen Equipment & Electric Co. v. Kroger*, 437 U.S. 365, 371 (1978) (federal courts are courts of limited jurisdiction and must have subject matter jurisdiction in order to decide a particular case). There are two primary bases for federal subject matter jurisdiction: (1) federal question jurisdiction under 28 U.S.C. § 1331, and (2) diversity jurisdiction under 28 U.S.C. § 1332. If Ms. Pingrey does not establish subject matter jurisdiction, the court may dismiss the case sua sponte. *See Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir. 2002) ("Federal Rule of Civil Procedure

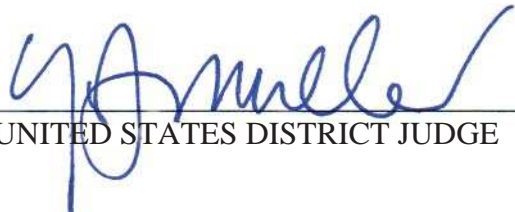
1 12(h)(3)4 provides that a court may raise the question of subject matter jurisdiction, sua sponte, at
2 any time during the pendency of the action.”).

3 Ms. Pingrey’s complaint states claims arising under state law. *See generally* ECF
4 No. 1. Based on her claims, Ms. Pingrey cannot establish federal question jurisdiction. Before
5 the case can proceed in this court, she must establish diversity jurisdiction. In reviewing the
6 complaint, nothing satisfies the court that defendant and plaintiff are citizens of different states;
7 and that the amount in controversy is more than \$75,000, as required for diversity jurisdiction.

8 Accordingly, Ms. Pingrey is ORDERED, within fourteen (14) days of entry of this
9 order, to show cause why this case should not be dismissed for lack of subject matter jurisdiction.
10 The court defers consideration of the motion to proceed in forma pauperis pending Ms. Pingrey’s
11 response to this order.

12 IT IS SO ORDERED.

13 DATED: May 9, 2016.

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16 UNITED STATES DISTRICT JUDGE
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