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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LONNIE HINES,  
Plaintiff,  
v.  
BANK OF AMERICA, et al.,  
Defendants.

No. 2:16-cv-0443 JAM CKD PS

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 302(c)(21).

Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

In this action, plaintiff alleges claims arising out of the foreclosure of his home. The complaint alleges diversity as the basis for subject matter jurisdiction. In order to proceed under diversity jurisdiction, all defendants must be diverse to plaintiff. Plaintiff specifically alleges that defendant Countrywise Home Loans, Inc. has its principal place of business in the State of California. See ECF No. 1 at p. 7. As such, the parties are not diverse and this action may not proceed under diversity jurisdiction. 28 U.S.C. § 1332(c)(1). There being no other evident basis

1 for subject matter jurisdiction, the court will recommend that this action be dismissed.

2 Accordingly, IT IS HEREBY ORDERED that plaintiff's request to proceed in forma  
3 pauperis (ECF No. 2) is granted; and

4 IT IS HEREBY RECOMMENDED that this action be dismissed for lack of subject  
5 matter jurisdiction.

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

13 Dated: March 7, 2016



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15 CAROLYN K. DELANEY  
16 UNITED STATES MAGISTRATE JUDGE

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