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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	TYRONE JAMES,	No. 2:16-cv-1108 TLN CKD PS
12	Plaintiff,	10. 2.10 CV 1100 ILIV CRD IS
13	V.	ORDER AND
14	SUSAN COMIER,	ORDER TO SHOW CAUSE
15	Defendant.	ORDER TO SHOW CHESE
16		
17	Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to	
18	28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by	
19	Local Rule 302(c)(21).	
20	Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable	
21	to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma	
22	pauperis will be granted. 28 U.S.C. § 1915(a).	
23	The complaint names as a defendant an individual who was present at the skilled nursing	
24	facility where plaintiff resides. It is not clear from the complaint whether the named defendant is	
25	a fellow resident or an employee of the facility. Plaintiff alleges that defendant violated his civil	
26	rights. However, defendant does not appear to be a state actor and therefore a claim under the	
27	Civil Rights Act, 42 U.S.C. § 1983, cannot lie.	
28	/////	

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 there is no basis for federal subject matter jurisdiction evident in the complaint, plaintiff will be ordered to show cause why this action should not be dismissed. Failure to allege a proper basis for subject matter jurisdiction will result in a recommendation that the action be dismissed.

In accordance with the above, IT IS HEREBY ORDERED that:

- 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is granted;
- 2. No later than June 17, 2016, plaintiff shall show cause why this action should not be dismissed for lack of subject matter jurisdiction. Failure to establish a proper basis for subject matter jurisdiction will result in a recommendation that this action be dismissed without prejudice.

Dated: June 3, 2016

CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE

4 james1108.osc.nosmj.ifp