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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RACHELLE COLLINS,
Plaintiff,
v.
MERCY GENERAL HOSPITAL, et al.,
Defendants.

No. 2:16-cv-2725 MCE CKD PS

FINDINGS AND RECOMMENDATIONS

In this action, plaintiff, proceeding pro se and in forma pauperis, complains about alleged wrongful conduct undertaken by defendants in a state court action, apparently concerning medical malpractice. The complaint, however, does not allege a basis for subject matter jurisdiction in this court other than citing “federal question” jurisdiction, without setting a proper basis therefor. Plaintiff was accordingly ordered to show cause why this action should not be dismissed for lack of subject matter jurisdiction.

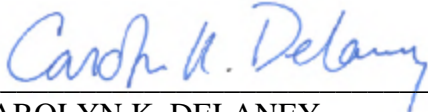
Plaintiff has filed a response to the order to show cause. However, the response does not set forth a proper basis for subject matter jurisdiction. There appears to be no federal question subject matter jurisdiction. Diversity jurisdiction is also lacking because the parties are not diverse.

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

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

Dated: January 5, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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