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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALYSTA SHARP,
Plaintiff,
v.
KAISER PERMANENTE MEDICAL
GROUP, et al.,
Defendants.

No. 2:17-cv-0252 TLN CKD PS

ORDER AND
ORDER TO SHOW CAUSE

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).

The federal in forma pauperis statute authorizes federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). The complaint does allege diversity and federal question as bases for subject matter jurisdiction in this court. However, plaintiff cites a non-existent statute as the basis of federal

1 question jurisdiction and the complaint does not set forth the amount in controversy for assessing
2 the propriety of diversity jurisdiction. The federal courts are courts of limited jurisdiction. In the
3 absence of a basis for federal jurisdiction, plaintiff's claims cannot proceed in this venue.
4 Because there is no basis for federal subject matter jurisdiction evident in the complaint, plaintiff
5 will be ordered to show cause why this action should not be dismissed.¹ Failure to allege a proper
6 basis for subject matter jurisdiction will result in a recommendation that the action be dismissed.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is granted; and
- 9 2. No later than February 28, 2017, plaintiff shall show cause why this action should not
10 be dismissed for lack of subject matter jurisdiction.

11 Dated: February 7, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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28 ¹ The court also notes that plaintiff's complaint involves a grievance from 2012. In response to
the order to show cause, plaintiff should explain why her action is not time-barred.