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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEON ALLEN,

 Plaintiff,

 v.

NINA BURNSIDE dba Soul Legacy
Entertainment, et al.,

 Defendants.

No. 2:17-cv-0602 KJM DB PS

ORDER TO SHOW CAUSE

Plaintiff, Leon Allen, is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Pending before the court is plaintiff’s complaint and motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF Nos. 1 & 2.) Therein, plaintiff complains about an “interest in the real property which is the subject matter of this action . . . 3801 Florin Rd., Sacramento, CA, 95823.” (Compl. (ECF No. 1) at 4.)

The court is required to screen complaints brought by parties proceeding in forma pauperis. See 28 U.S.C. § 1915(e)(2); see also Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc). Jurisdiction is a threshold inquiry that must precede the adjudication of any case before the district court. Morongo Band of Mission Indians v. Cal. State Bd. of Equalization, 858 F.2d 1376, 1380 (9th Cir. 1988). Federal courts are courts of limited jurisdiction and may

1 adjudicate only those cases authorized by federal law. Kokkonen v. Guardian Life Ins. Co., 511
2 U.S. 375, 377 (1994); Willy v. Coastal Corp., 503 U.S. 131, 136-37 (1992). “Federal courts are
3 presumed to lack jurisdiction, ‘unless the contrary appears affirmatively from the record.’” Casey
4 v. Lewis, 4 F.3d 1516, 1519 (9th Cir. 1993) (quoting Bender v. Williamsport Area Sch. Dist., 475
5 U.S. 534, 546 (1986)).

6 Lack of subject matter jurisdiction may be raised by the court at any time during the
7 proceedings. Attorneys Trust v. Videotape Computer Prods., Inc., 93 F.3d 593, 594-95 (9th Cir.
8 1996). A federal court “ha[s] an independent obligation to address sua sponte whether [it] has
9 subject-matter jurisdiction.” Dittman v. California, 191 F.3d 1020, 1025 (9th Cir. 1999). It is the
10 obligation of the district court “to be alert to jurisdictional requirements.” Grupo Dataflux v.
11 Atlas Global Group, L.P., 541 U.S. 567, 593 (2004). Without jurisdiction, the district court
12 cannot decide the merits of a case or order any relief. See Morongo, 858 F.2d at 1380.

13 The basic federal jurisdiction statutes are 28 U.S.C. §§ 1331 and 1332, which confer
14 “federal question” and “diversity” jurisdiction, respectively. Federal jurisdiction may also be
15 conferred by federal statutes regulating specific subject matter. “[T]he existence of federal
16 jurisdiction depends solely on the plaintiff’s claims for relief and not on anticipated defenses to
17 those claims.” ARCO Envtl. Remediation, LLC v. Dep’t of Health & Envtl. Quality, 213 F.3d
18 1108, 1113 (9th Cir. 2000).

19 District courts have diversity jurisdiction only over “all civil actions where the matter in
20 controversy exceeds the sum or value of \$75,000, exclusive of interest and costs,” and the action
21 is between: “(1) citizens of different States; (2) citizens of a State and citizens or subjects of a
22 foreign state; (3) citizens of different States and in which citizens or subjects of a foreign state are
23 additional parties; and (4) a foreign state . . . as plaintiff and citizens of a State or of different
24 States.” 28 U.S.C. § 1332. “To demonstrate citizenship for diversity purposes a party must (a) be
25 a citizen of the United States, and (b) be domiciled in a state of the United States.” Lew v. Moss,
26 797 F.2d 747, 749 (9th Cir. 1986). “Diversity jurisdiction requires complete diversity between
27 the parties—each defendant must be a citizen of a different state from each plaintiff.” In re
28 Digimarc Corp. Derivative Litigation, 549 F.3d 1223, 1234 (9th Cir. 2008).

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Here, it appears that plaintiff’s complaint concerns only state law matters concerning real property, and that all parties involved are citizens of California. In this regard, it appears that neither “federal question” nor “diversity” jurisdiction is present in this action.

Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the date of this order plaintiff shall show cause in writing as to why this action should not be dismissed without prejudice due to a lack of subject matter jurisdiction.

DATED: May 10, 2017

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE