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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHAMONT SAPP,
Plaintiff,
v.
STEFANI JOANNE GERMANOTTA,
Defendant.

No. 2:17-cv-0863 JAM KJN P

ORDER

Plaintiff is a state prisoner proceeding without counsel. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 17, 2017, the magistrate judge filed findings and recommendations herein which were served on plaintiff. (ECF No. 10.) Screening the original complaint, the magistrate judge found that plaintiff brought this action pursuant to 42 U.S.C. § 1983. (Id.) The magistrate judge recommended that this action be dismissed on grounds that plaintiff failed to state a potentially colorable federal claim for relief. (Id.)

On May 15, 2017, plaintiff filed an amended complaint. (ECF No. 9.) On May 30, 2017, plaintiff filed objections to the findings and recommendations. (ECF No. 12.) In the amended complaint, plaintiff alleges that subject matter jurisdiction is based on diversity jurisdiction, i.e., this action involves parties that are completely diverse and an amount in controversy greater than \$75,000. See 28 U.S.C. § 1332. (ECF No. 9.) Plaintiff alleges that he is raising claims alleging

1 breach of contract, breach of fiduciary duty and fraud. (Id. at 3.)

2 To the extent the magistrate judge erred in finding that subject matter jurisdiction was
3 based on federal law, the undersigned finds that plaintiff has not stated potentially colorable
4 claims under state law either. Plaintiff's state law claims are fanciful and wholly incredible.

5 Accordingly, IT IS HEREBY ORDERED that, for the reasons discussed above, this action
6 is dismissed.

7 DATED: June 28, 2017

8 /s/ John A. Mendez

9 UNITED STATES DISTRICT COURT JUDGE
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