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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUANITA MACHADO,
Plaintiff,
v.
J. A. LIZARRAGA,
Defendant.

No. 2:17-cv-02430 TLN CKD (PS)

FINDINGS & RECOMMENDATIONS

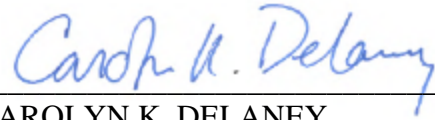
Plaintiff is proceeding in this action pro se. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c).

On November 29, 2017, the undersigned issued an order to show cause why this action should not be dismissed for lack of subject matter jurisdiction. On January 12, 2018, plaintiff filed a response asserting diversity jurisdiction. 28 U.S.C. § 1332 authorizes district courts to exercise original jurisdiction in cases in which the amount in controversy exceeds the sum or value of \$75,000.00 and the parties are citizens of different states. Diversity jurisdiction requires complete diversity, meaning every plaintiff must be diverse from every defendant. Id. Plaintiff is a California resident suing the Warden of a California prison, and her response does not suffice to show federal jurisdiction over this action.

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

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

8 Dated: January 22, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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