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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONNIE McDANIEL,
Plaintiff,
v.
DARRYL HINCH, et al.,
Defendants.

No. 2:17-cv-02448 KJM CKD (PS)

FINDINGS AND 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 December 11, 2017, plaintiff filed a notice asserting in a conclusory manner that the court has diversity jurisdiction. However, in the complaint, two of the three defendants are identified as California residents. 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. Thus plaintiff's notice does not suffice to show federal jurisdiction over this action.

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

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

10 Dated: December 14, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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