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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD M. FRIEDMAN,
Plaintiff,
v.
JOHN BONILLA, et al.,
Defendants.

No. 2:18-cv-00324 MCE CKD (PS)

ORDER

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).

Here, plaintiff’s brief and conclusory allegations do not state a federal claim against any defendant. Although the court may exercise supplemental jurisdiction over state law claims,

1 plaintiff must first have a cognizable claim for relief under federal law. See 28 U.S.C. § 1367.

2 The federal courts are courts of limited jurisdiction. In the absence of a basis for federal
3 jurisdiction, plaintiff's claims cannot proceed in this venue. Because there is no basis for federal
4 subject matter jurisdiction evident in the complaint, plaintiff will be ordered to show cause why
5 this action should not be dismissed. Failure to allege a proper basis for subject matter jurisdiction
6 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;
- 9 2. No later than March 9, 2018, plaintiff shall show cause why this action should not be
10 dismissed for lack of subject matter jurisdiction.

11 Dated: February 22, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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