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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 DIANA LEE WALLACH LORRETZ,

12 Plaintiff,

13 v.

14 U.S.A., et al.,

15 Defendants.  
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No. 2:18-cv-00521 TLN CKD (PS)

ORDER

17 Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to  
18 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by  
19 Local Rule 302(c)(21).

20 Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable  
21 to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma  
22 pauperis will be granted. 28 U.S.C. § 1915(a).

23 The federal in forma pauperis statute authorizes federal courts to dismiss a case if the  
24 action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted,  
25 or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C.  
26 § 1915(e)(2).

27 Here, plaintiff’s brief and conclusory allegations do not state a federal claim against any  
28 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 28, 2018, plaintiff shall show cause why this action should not be  
10 dismissed for lack of subject matter jurisdiction.

11 Dated: March 14, 2018

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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