

1 complaint. The amended complaint states no federal claims and
2 provides no basis for federal jurisdiction.

3 When a plaintiff seeking to invoke a federal forum
4 voluntarily dismisses claims forming the basis of federal
5 jurisdiction, the court must determine its jurisdiction based on
6 the amended complaint. William W Schwarzer et al, Federal Civil
7 Procedure Before Trial 2:91.5. Where, as here, the amended
8 complaint fails to state any basis for federal jurisdiction, the
9 court must dismiss the case. See id; Wellness Community-National v
10 Wellness Community, 70 F3d 46, 49 (7th Cir 1995).

11 Plaintiff seeks dismissal without prejudice, Doc #15 at
12 2, but the court lacks a basis to allow plaintiff leave to amend
13 the complaint. The court may allow amendment of pleadings to cure
14 jurisdictional defects of form, see 28 USC § 1653, but where, as
15 here, the complaint fails to allege any substantive ground for
16 federal jurisdiction, the court has no jurisdiction to allow leave
17 to amend. See Morongo Band of Mission Indians v California State
18 Bd of Education, 858 F2d 1376, 1380 n3 (9th Cir 1988).

19 Accordingly, the only appropriate course is to dismiss the case.

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For the reasons stated above, the court lacks jurisdiction over plaintiff's claims. The case is hereby DISMISSED. The clerk is DIRECTED to vacate all hearing dates, terminate all pending motions and close the file.

IT IS SO ORDERED.



VAUGHN R WALKER
United States District Chief Judge