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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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LUCILA S. MARIANO,

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No. C 10-3213 MMC

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Plaintiff,

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v.

**ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS;
DISMISSING COMPLAINT FOR LACK
OF SUBJECT MATTER JURISDICTION;
AFFORDING PLAINTIFF LEAVE TO
AMEND**

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ONEWEST BANK, FSB, et al,

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Defendants.

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Before the Court is plaintiff Lucila S. Mariano's complaint, filed January 30, 2013, against defendants OneWest Bank, FSB and NDeX West, LLC.^{1 2} As discussed below, however, said pleading fails to allege sufficient facts to support the court's jurisdiction, and, consequently, the above-titled action is subject to dismissal. See Fed. R. Civ. P. 12(h)(3) (providing "[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action").

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¹ On April 3, 2013 the matter was reassigned to the undersigned.

² On January 30, 2013, plaintiff also filed an application to proceed in forma pauperis. As it appears plaintiff is unable to pay the costs of this action, her application is hereby GRANTED.

1 place of business.” 28 U.S.C. § 1332(c)(1). Although plaintiff alleges she is a citizen of
2 California (see Compl. ¶ 3) and that each defendant is incorporated in Texas (see Compl.
3 ¶¶ 1-2), there is no allegation identifying the principle place of business for each of the
4 defendants. Consequently plaintiff has failed to allege sufficient facts to support a finding of
5 subject matter jurisdiction.

6 Accordingly, the complaint is hereby DISMISSED for lack of subject matter
7 jurisdiction, and plaintiff is hereby afforded leave to amend to allege, if she can do so,
8 sufficient facts to support the Court’s exercise of jurisdiction over the above-referenced
9 lawsuit. Plaintiff’s amended complaint, if any, shall be filed no later than April 26, 2013.

10 **IT IS SO ORDERED.**

11 Dated: April 10, 2013


MAXINE M. CHESNEY
United States District Judge

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