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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JENNIE R. JONES and DAVID WYNN
MILLER,

No. C 12-02624 JSW

Plaintiffs,

v.

ORDER TO SHOW CAUSE

DEUTSCHE BANK NATIONAL TRUST
CO., et al.,

Defendants.

Federal courts are under a duty to raise and decide issues of subject matter jurisdiction *sua sponte* at any time it appears subject matter jurisdiction may be lacking. Fed. R. Civ. P. 12; *Augustine v. United States*, 704 F.2d 1074, 1077 (9th Cir. 1983). If the Court determines that subject matter jurisdiction is lacking, the Court must dismiss the case. *Id.*; Fed. R. Civ. P. 12(h)(3). California superior courts are courts of general, unlimited jurisdiction and can render enforceable judgments in practically any type of case. However, federal courts have limited jurisdiction. Federal courts can only adjudicate cases which the Constitution or Congress authorize them to adjudicate: those cases involving diversity of citizenship (where the parties are from diverse states), or a federal question, or those cases to which the United States is a party. *See, e.g., Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375 (1994). Federal courts are presumptively without jurisdiction over civil cases and the burden of establishing the contrary rests upon the party asserting jurisdiction. *Id.* at 377.

1 The complaint filed by Jennie R. Jones and David Wynn Miller (collectively,
2 “Plaintiffs”) is completely incomprehensible. In contravention of Federal Rule of Civil
3 Procedure 8(a), Plaintiffs failed to file a pleading setting forth the grounds upon which this
4 Court has jurisdiction, “a short and plain statement of the claim showing that the pleader is
5 entitled to relief, . . . and a demand for judgment for the relief the pleader seeks.” It is unclear
6 to the Court the legal theories on which Plaintiffs seek relief, what relief they are, in fact,
7 seeking, or the underlying factual basis for the suit. Therefore, Plaintiffs fail to allege sufficient
8 facts to demonstrate there is any basis for federal jurisdiction. Accordingly, Plaintiffs are
9 HEREBY ORDERED TO SHOW CAUSE (“OSC”) in writing, by **September 21, 2012**, why
10 this action should not be dismissed for lack of jurisdiction. Plaintiffs are admonished that their
11 failure to respond to the OSC by September 21, 2012 will result in a dismissal of this action.

12 The Court advises Plaintiffs that the Handbook for Pro Se Litigants, contains helpful
13 information about proceeding without an attorney, is available through the Court’s website or in
14 the Clerk’s office. The Court also advises Plaintiffs that they also may wish to seek assistance
15 from the Legal Help Center. Plaintiffs may call the Legal Help Center at 415-782-9000,
16 extension 8657, or sign up on the 15th Floor of the Courthouse, Room 2796, for a free
17 appointment with an attorney who may be able to provide basic legal help, but not legal
18 representation.

19 The Court HEREBY STRIKES the pending motions to dismiss and to strike filed by
20 defendant Amy E. Starrett (“Starrett”). This Order is without prejudice to Starrett refiling these
21 motions if it becomes clear that the Court has jurisdiction over this action.

22 **IT IS SO ORDERED.**

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24 Dated: September 5, 2012

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JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JENNIE R. JONES et al,
Plaintiff,

Case Number: CV12-02624 JSW

CERTIFICATE OF SERVICE

v.

DEUTSCHE BANK NATIONAL TRUST
CO. et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 5, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Wynn Miller
5166 North 63rd Street
Milwaukee, WI 53218

Jennie R. Jones
1315 Court Street
Alameda, CA 94501

Dated: September 5, 2012



Richard W. Winking, Clerk
By: Jennifer Ottolini, Deputy Clerk