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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

AMIR H. SANATKAR and VIDA K.  
SANATKAR,

Plaintiffs,

v.

JP MORGAN CHASE BANK, N.A.; FKA  
WASHINGTON MUTUAL BANK, F.A.;  
TITLE TRUST DEED SERVICE  
COMPANY,

Defendants.

Case No. 12-cv-4100 NC

**ORDER TO SHOW CAUSE RE  
SUBJECT MATTER  
JURISDICTION**

Re: Dkt. No. 1

17 The Court issues this order sua sponte to address concerns regarding the issue of  
18 subject matter jurisdiction. Plaintiffs Amir and Vida Sanatkar bring this action for  
19 damages, quiet title, injunctive relief, and declaratory relief against defendants JP Morgan  
20 Chase Bank, N.A., formerly known as Washington Mutual Bank, and Title Trust Deed  
21 Service Company. Compl. ¶¶ 1-2, Dkt. No. 1. Plaintiffs invoke federal jurisdiction under  
22 42 U.S.C. § 1332(c)(1) on the basis of diversity of citizenship. *Id.*

23 “Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins.*  
24 *Co. Of Am.*, 511 U.S. 375, 377 (1994). “A federal court is presumed to lack jurisdiction  
25 in a particular case unless the contrary affirmatively appears.” *Stock West, Inc. v.*  
26 *Confederated Tribes of the Colville Reservation*, 873 F.2d 1221, 1225 (9th Cir. 1989).  
27 The party seeking to invoke the court’s jurisdiction bears the burden of establishing  
28 grounds for the exercise of federal jurisdiction. *Scott v. Breeland*, 792 F.2d 925, 927 (9th

1 Cir. 1986). Even if no party challenges subject matter jurisdiction, the court has a duty to  
2 raise the issue sua sponte. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).

3 Under 28 U.S.C. § 1332(a), a district court has original jurisdiction over civil  
4 actions between citizens of different states where the matter in controversy exceeds  
5 \$75,000. 28 U.S.C. § 1332(a). If a litigant is an entity rather than an individual, the form  
6 of the entity dictates citizenship for purposes of federal subject matter jurisdiction.  
7 *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). A  
8 corporation is a citizen both of the state in which it was incorporated and of the state  
9 where it has its principal place of business. 28 U.S.C. § 1332(c).

10 Here, it is assumed that plaintiffs are each citizens of the State of California.  
11 Compl. ¶ 3. Plaintiffs assert that JP Morgan exists under the laws of the United States  
12 and “as a result . . . operat[es] as a foreign corporation. Its members and owners are  
13 citizens of another state.” *Id.* ¶ 1. Plaintiffs further asserts that Title Trust Deed Service  
14 Company is “organized and existing under the laws of Delaware.” *Id.* ¶ 2. Plaintiffs fail,  
15 however, to allege the state of incorporation and the state where each defendant has its  
16 principal place of business.

17 Because plaintiffs bear the burden of setting forth jurisdictional facts, plaintiffs  
18 must show cause in writing on or before August 31, 2012, why this case should not be  
19 dismissed for lack of subject matter jurisdiction. Plaintiffs’ response must properly  
20 identify the citizenship of defendants JP Morgan and Title Trust Deed Service Company.

21 Also, plaintiffs must provide factual allegations to support their assertion that the  
22 amount in controversy exceeds \$1,000,000. *See Christensen v. Northwest Airlines, Inc.*,  
23 633 F.2d 529, 530-31 (9th Cir. 1980) (finding lack of subject matter jurisdiction where  
24 plaintiff’s tort claim could not sustain a judgment over the jurisdictional amount).

25 Finally, in light of their pro se status, plaintiffs may wish to seek assistance from  
26 the Legal Help Center, a free service of the Volunteer Legal Services Program, by calling  
27 415.782.9000 x8657 or signing up for an appointment on the 15th floor of the  
28 Courthouse, Room 2796. At the Legal Help Center, plaintiffs may speak with an attorney

1 who may be able to provide basic legal help, but not legal representation. The Court also  
2 urges plaintiffs to obtain a copy of the Pro Se Handbook, available free of charge from  
3 the Court's website ([www.cand.uscourts.gov](http://www.cand.uscourts.gov)) or in the Clerk's Office on the 16th Floor,  
4 450 Golden Gate Avenue, San Francisco, CA.

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6 IT IS SO ORDERED.

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8 DATED: August 6, 2012

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10 NATHANAEL M. COUSINS  
11 United States Magistrate Judge  
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