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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL C. DAVIS,  
Plaintiff,  
v.  
METRO PCS, et al.,  
Defendants.

Case No. [16-cv-02212-JD](#)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Re: Dkt. No. 8


The Court has reviewed Magistrate Judge Jacqueline Scott Corley’s report and recommendation, recommending that the Court dismiss the action under 28 U.S.C. § 1915 with leave to amend. Dkt. No. 8. No objections have been filed in response to the report, and the time to file objections has expired. *See* Fed. R. Civ. P. 72.

The Court has carefully reviewed Magistrate Judge Corley’s report and finds it to be thorough and well-reasoned. The Court consequently adopts the report and recommendation in full. For the reasons stated in the report and recommendation, the Court dismisses plaintiff’s complaint (Dkt. No. 1) pursuant to 28 U.S.C. § 1915(e) for failure to allege facts necessary to establish federal subject matter jurisdiction.

Plaintiff may file an amended complaint by **July 8, 2016** that clarifies the basis for the Court’s subject matter jurisdiction. Plaintiff is advised that this case will be dismissed if no amended complaint is filed by that date.

**IT IS SO ORDERED.**

Dated: June 16, 2016

  
\_\_\_\_\_  
JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 MICHAEL C. DAVIS,  
4 Plaintiff,

5 v.

6 METRO PCS, et al.,  
7 Defendants.  
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Case No. [16-cv-02212-JD](#)

**CERTIFICATE OF SERVICE**

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

11  
12 That on June 16, 2016, I SERVED a true and correct copy(ies) of the attached, by placing  
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 Michael C. Davis  
18 1328 Park Street, Apt 26  
Alameda, CA 94501

19  
20 Dated: June 16, 2016  
21

22 Susan Y. Soong  
23 Clerk, United States District Court

24  
25 By:   
26 LISA R. CLARK, Deputy Clerk to the  
27 Honorable JAMES DONATO  
28