

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

VINTON P. FROST,
Plaintiff,
v.
GARY S. PINKUS, et al.,
Defendants.

Case No. 17-cv-01308-LB

**ORDER DISMISSING CASE WITH
LEAVE TO AMEND**

Re: ECF No. 8

The plaintiff filed a complaint against Gary Pinkus. (See Compl. – ECF No. 1.) He also filed an application to proceed in forma pauperis — which the undersigned granted. (ECF No. 4.) The plaintiff has consented to magistrate jurisdiction. (ECF No. 5.) The court was unable to discern a federal claim in the plaintiff’s complaint, and dismissed the complaint with leave to amend. (ECF No. 6.) The plaintiff filed an amended complaint on April 4, 2017. (1st Am. Compl. – ECF No. 8.)

Jurisdiction is a threshold inquiry. Original jurisdiction may be based on diversity or a federal question. See *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). For diversity jurisdiction, the opposing parties must be citizens of different states and the amount in controversy must exceed \$75,000. 28 U.S.C. § 1332(a). There will be federal-question jurisdiction if the case “aris[es] under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Also, a plaintiff must set forth a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(1).

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1 speak with an attorney who may be able to provide basic legal help but not representation.

2 **IT IS SO ORDERED.**

3 Dated: April 6, 2017



4 LAUREL BEELER
5 United States Magistrate Judge