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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 TRACEY N. THOMPSON,  
8 Plaintiff,

9 v.

10 DENNIS HERRERA,  
11 Defendant.

Case No. [17-cv-05141-WHO](#)

Case No. 17-cv-05163-WHO

Case No. 17-cv-05843-WHO

**ORDER DISMISSING CASES**

12 Pro se plaintiff Tracey N. Thompson filed three almost identical cases against Dennis  
13 Herrera (the City Attorney for San Francisco) stemming from an injury she suffered on a bus in  
14 San Francisco.

15 Ms. Thompson's initial cases were dismissed for lack of jurisdiction for two significant  
16 reasons: (1) there were no federal claims alleged, only state law claims, and (2) there were no  
17 facts alleged establishing diversity jurisdiction.

18 After giving her multiple opportunities to file amended complaints to address these issues,  
19 on January 31, 2018, Thomson filed an amended complaint. Her amended complaint contains  
20 additional facts about her injury and claim against defendant Herrera, and attaches copies of her  
21 medical bills in support.

22 In her amended complaint, Ms. Thompson clarifies that her claim against Dennis Herrera  
23 (and San Francisco) is based on the "personal negligence" of the bus driver who operated the  
24 wheelchair lift that injured Ms. Thompson, and that she is seeking \$75,000 for emotional pain and  
25 suffering. Dkt. No. 24 at 2-3. A personal negligence claim against a municipal bus driver is a  
26 state law claim, not a claim that can be brought on its own in federal court without diversity  
27 jurisdiction. Thompson also states that the bus line she was riding stops in front of a "federally  
28 subsidized building," but that does not make her negligence claim a federal claim. Finally,

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Thompson alleges that “sometimes” defendant Dennis Herrera “is in the State of California and sometimes he is not in California,” but that does not establish that plaintiff and defendant are citizen of different states to establish diversity jurisdiction.

Based on the facts alleged by Ms. Thompson, I do not have jurisdiction to consider her state law claims. Because Ms. Thompson, despite the guidance provided in the prior orders, has not been able to allege facts necessary to state a federal claim or allege diversity jurisdiction, each of her cases (Case No. 17-cv-05141-WHO, Case No. 17-cv-05163-WHO, Case No. 17-cv-05843-WHO) is DISMISSED without prejudice.

The Clerk shall close these cases.

**IT IS SO ORDERED.**

Dated: February 7, 2018

  
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William H. Orrick  
United States District Judge