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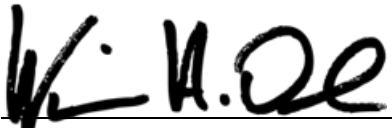
Thompson alleges that “sometimes” defendant Dennis Herrera “is in the State of California and sometimes he is not in California,” but that does not establish that plaintiff and defendant are citizen of different states to establish diversity jurisdiction.

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



William H. Orrick
United States District Judge