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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH LAURICELLA,

Plaintiff,

v.

CORDIS CORPORATION,

Defendant.

No. C 07-02016 SBA (PR)

**ORDER VACATING DISMISSAL AND
REOPENING CASE**

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Plaintiff Joseph Lauricella filed a pro se civil complaint which the Court dismissed and entered judgment on May 17, 2007. The complaint was dismissed because it appeared to the Court to be a civil rights complaint under 42 U.S.C. § 1983 alleging claims against a private company, which the Court determined did not meet the standards for cognizable claims under § 1983. After the action was dismissed, Plaintiff filed a letter with the Court dated May 20, 2007 that persuades the Court that the dismissal order and judgment should be vacated and the case should be reopened.

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Plaintiff states in his letter that he never intended to sue Defendant Cordis Corporation under 42 U.S.C. § 1983. Instead, he claims that the Court has subject matter jurisdiction over this pro se civil action on the basis of diversity of citizenship.

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The district courts have original jurisdiction over a civil action where the matter in controversy exceed \$ 75,000 and the action is between citizens of different States. 28 U.S.C. § 1332(a). For purposes of this statute, "a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business" 28 U.S.C. § 1332(c)(1).

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Accordingly, the Court VACATES the May 17, 2007 Order of Dismissal and Judgment. In a separate written Order, the Court will conduct another review of Plaintiff's civil complaint in order to determine if Plaintiff establishes the existence of diversity jurisdiction. The Court will also review Plaintiff's in forma pauperis application; therefore, its previous ruling of no filing fee being due is also vacated.

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CONCLUSION

For the foregoing reasons, the Order of Dismissal and Judgment (docket nos. 10, 11) are VACATED. The Clerk of the Court is directed to REOPEN this case and mark the previously terminated motions (docket nos. 2, 5) as PENDING.

IT IS SO ORDERED.

DATED: 5/29/07


SAUNDRA BROWN ARMSTRONG
United States District Judge

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH LAURICELLA,

Plaintiff,

v.

CORDIS CORPORATION et al,

Defendant.

Case Number: CV07-02016 SBA

CERTIFICATE OF SERVICE

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

That on May 29, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Joseph Lauricella 06022506
PFN Box 144
885 N San Pedro Street
San Jose, CA 95110

Dated: May 29, 2007

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk

United States District Court
For the Northern District of California