

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSE RAMIREZ,
Plaintiff,

v.

NATIONSTAR MORTGAGE, LLC, a
Delaware Limited Liability Company;
BANK OF AMERICA, a National
Association; CAL-WESTERN
RECONVEYANCE, LLC, a California
Limited Liability Company; and DOES 1
through 10, inclusive,
Defendants.

Case No. 5:13-05100 HRL

**ORDER TO SHOW CAUSE RE
SUBJECT MATTER JURISDICTION**

Jose Ramirez sues for alleged violations of state law arising out of home mortgage foreclosure proceedings. His complaint was filed on October 31, 2013, along with an application to proceed in forma pauperis. Having reviewed the record, the court directs plaintiff to show cause re this court’s subject matter jurisdiction.

Federal courts have original jurisdiction over civil actions “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. A claim “arises under” federal law if, based on the “well-pleaded complaint rule,” the plaintiff alleges a federal claim for relief. Vaden v. Discovery Bank, 129 S. Ct. 1262, 1272 (2009). Because Ramirez alleges only state law claims for relief, there is no basis for federal question jurisdiction.


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Nor does the complaint sufficiently allege diversity jurisdiction. Federal district courts have jurisdiction over civil actions in which the matter in controversy exceeds the sum or value of \$75,000 (exclusive of interest and costs) and is between citizens of different states. 28 U.S.C. §1332. Here, the complaint suggests that Ramirez and at least one of the defendants are California citizens.

Accordingly, Ramirez shall file a written response to this order and show cause re this court's subject matter jurisdiction over his complaint. Ramirez's written response shall be filed no later than **November 19, 2013**.

SO ORDERED.

Dated: November 5, 2013



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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5:13-cv-05100-HRL Notice has been electronically mailed to:
Edward Robert Ramirez err@ramirezassociatesllp.com