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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICHARD FUNMAN,

Plaintiff,

v.

SUSAN WARD, et al.,

Defendant.

Case No. C-14-03411-RMW

ORDER DISMISSING CASE

Plaintiff Richard Funman filed several documents before this court which the magistrate judge interpreted as “appear[ing] to seek leave of the court to (1) remove a state court case and (2) to proceed in forma pauperis.” *See* Dkt. Nos. 1 (complaint), 2 (first application to proceed in forma pauperis), 4 (second application to proceed in forma pauperis), 5 (notice of removal), and 6 (magistrate judge report and recommendation). On August 7, 2014, the magistrate judge ordered that the case be reassigned to a district judge. Dkt. No. 6. The magistrate judge also issued a report and recommendation that the court remand the case because the court lacks subject matter jurisdiction. *Id.* The magistrate judge also recommended that the court deny as moot plaintiff’s applications to proceed in forma pauperis. *Id.* The undersigned subsequently adopted the magistrate judge’s report and recommendation and remanded the case. Dkt. No. 14. However, the Superior

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Court of California rejected the case because it has no record of any state court case. Dkt. No. 19. It appears now that there is no state court case. Funman also listed two state court case numbers on the complaint, neither of which apparently correlate to a state court case. Accordingly, the court adopts the magistrate judge's report and recommendation and dismisses the case for lack of jurisdiction. The complaint does not contain sufficient detail such that the court can determine that it has jurisdiction.

Dated: September 30, 2014



RONALD M. WHYTE
United States District Judge