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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TREMAINE JOHNSON,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 16cv103-LAB (WVG)

**ORDER GRANTING MOTION TO
DISMISS FOR LACK OF
JURISDICTION**

Defendant United States of America filed a motion to dismiss for lack of jurisdiction. (Docket no. 3.) When Plaintiff Tremaine Johnson failed to oppose it, the Court issued an order vacating the hearing on the motion, and ordering Johnson to show cause why the motion should not be granted. That order cautioned Johnson that if he failed to file an opposition to the motion within the time permitted, it would construe his failure as consent to the motion's being granted. See Civil Local Rule 7.1(f)(3)(c).

Johnson filed a document he identified as an opposition. This "opposition" was actually a motion requesting appointment of counsel and adding that Johnson did not understand why the hearing had been vacated. The Court denied Johnson's motion for appointment of counsel, explained that the document he filed was not an adequate opposition, and ordered him again to file an opposition by April 7, 2016. If he did not file an opposition explaining why the motion should be denied, the Court cautioned him, the action would be dismissed without leave to amend.

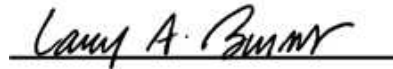
1 Since then Johnson has filed no response, nor sought additional time in which to do
2 so. He did file a new complaint on April 12, opening a different case, 16cv883, *Johnson v.*
3 *Vista Community Clinic*, but the allegations are so unclear it is difficult to say how closely the
4 cases are related.

5 In any event, it appears the motion to dismiss is meritorious. There is no reason to
6 prolong this case, particularly where it appears jurisdiction is lacking. *See Sinochem Int'l Co.*
7 *Ltd. v. Malaysia Int'l Shipping Co.*, 549 U.S. 422, 434 (2007) (“[I]t is of course true that once
8 a court determines that jurisdiction is lacking, it can proceed no further and must dismiss the
9 case on that account.”) For lack of jurisdiction and because of Johnson’s disobedience to
10 the Court’s order, this action is **DISMISSED WITHOUT LEAVE TO AMEND.**

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IT IS SO ORDERED.

DATED: May 2, 2016



HONORABLE LARRY ALAN BURNS
United States District Judge