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

CARREA CHRISTOPHER,  Plaintiff,  v.  REACHING FOURTH MINISTRIES, et al.,  Defendants.
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Case No. 17-cv-00726-BAS-BLM  
**ORDER:**  
**(1) GRANTING MOTION TO  
PROCEED IFP;**  
**(2) DISMISSING COMPLAINT  
FOR LACK OF SUBJECT  
MATTER JURISDICTION**

On April 10, 2017, Plaintiff Carrea Christopher, proceeding *pro se*, commenced this action against Defendants Reaching Fourth Ministries, Buffco Production Oil, Inc., and other defendants, alleging negligence and fraud in connection with the extraction of natural resources from land claimed by Plaintiff. (ECF No. 1.) On the same day, Plaintiff also filed a motion seeking leave to proceed *in forma pauperis* (“IFP”). (ECF No. 2.) For the reasons discussed below, the Court **GRANTS** Plaintiff’s motion to proceed IFP, and **DISMISSES** the Complaint for lack of subject matter jurisdiction.

1 **I. MOTION TO PROCEED IN FORMA PAUPERIS**

2 Under 28 U.S.C. § 1915, a litigant who because of indigency is unable to pay  
3 the fees required to commence a legal action may petition a court to proceed without  
4 making such payment. The determination of indigency falls within the district court’s  
5 discretion. *Cal. Men’s Colony v. Rowland*, 939 F.2d 854, 858 (9th Cir. 1991), *rev’d*  
6 *on other grounds*, 506 U.S. 194 (1993) (holding that “Section 1915 typically requires  
7 the reviewing court to exercise its sound discretion in determining whether the affiant  
8 has satisfied the statute’s requirement of indigency”). “An affidavit in support of an  
9 IFP application is sufficient where it alleges that the affiant cannot pay the court costs  
10 and still afford the necessities of life.” *Escobedo v. Applebees*, 787 F.3d 1226, 1234  
11 (9th Cir. 2015) (citing *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339  
12 (1948)). A plaintiff seeking IFP status “need not be absolutely destitute to obtain  
13 benefits of the in forma pauperis statute.” *Jefferson v. United States*, 277 F.2d 723,  
14 725 (9th Cir. 1960). However, he must declare the facts of his poverty “with some  
15 particularity, definiteness, and certainty.” *United States v. McQuade*, 647 F.2d 938,  
16 940 (9th Cir. 1981).

17 Having read and considered Plaintiff’s IFP application, the Court finds that  
18 Plaintiff meets the requirements in 28 U.S.C. § 1915 for IFP status. Plaintiff is  
19 unemployed, and has only \$20.00 on hand. (IFP Mot. ¶¶ 2, 4.) His monthly income  
20 is limited to the \$980.00 he receives in disability, and he has no checking, savings,  
21 or other bank account. (*Id.* ¶¶ 1, 4.) Plaintiff’s monthly expenses total \$890.00,  
22 including \$700.00 for rent. (*Id.* ¶ 8.) Plaintiff indicates that he does not own an  
23 automobile, and has not, in the past twelve months, received any income in the form  
24 of interest and dividends, retirement payments, gifts, rental income, or money from  
25 other sources besides his monthly disability payment. (*Id.* ¶¶ 1, 5.) Under these  
26 circumstances, the Court finds that requiring Plaintiff to pay the filing fees in this  
27 case would impair his ability to meet basic living expenses. *See Adkins*, 335 U.S. at  
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1 339. Accordingly, the Court GRANTS Plaintiff's motion to proceed IFP.<sup>1</sup> (ECF No.  
2 2.)

## 3 **II. DISMISSAL FOR LACK OF SUBJECT MATTER JURISDICTION**

4 A complaint filed by any litigant proceeding IFP is subject to mandatory  
5 screening by the court in which the complaint is brought. *See* 28 U.S.C. §  
6 1915(e)(2)(B); *see also Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001) (“[T]he  
7 provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”). Under §  
8 1915(e)(2), the court must dismiss a case if the court determines that the action is  
9 frivolous or malicious, fails to state a claim, or seeks monetary relief against persons  
10 immune from suit. In addition—and separate from the pre-screening requirements of  
11 § 1915(e)—“federal courts have a duty to raise and decide issues of subject matter  
12 jurisdiction *sua sponte*, if at any time it appears that subject matter jurisdiction may  
13 be lacking.” *Bank Julius Baer & Co. Ltd v. Wikileaks*, 535 F. Supp. 2d 980, 984 (N.D.  
14 Cal. 2008) (citations omitted). “Where a court lacks subject matter jurisdiction, it  
15 must dismiss the complaint in its entirety.” *Adames v. Tajju*, 80 F. Supp. 3d 465, 467  
16 (E.D.N.Y. 2015) (citing *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006)).

17 Here, the Court finds it does not have subject matter jurisdiction over the case.  
18 Plaintiff invokes diversity jurisdiction on the grounds that the defendants’ negligent  
19 and fraudulent conduct occurred in both California and Texas. However, for purposes  
20 of diversity jurisdiction, the geographic location of the alleged conduct is irrelevant.  
21 To invoke diversity jurisdiction, there must be complete diversity of citizenship  
22 between the parties and the amount in controversy must exceed \$75,000. *See*  
23 *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806); 28 U.S.C § 1332(a). Complete  
24 diversity exists when “the citizenship of each plaintiff is diverse from the citizenship  
25 of each defendant.” *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996). Although  
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27 <sup>1</sup> Plaintiff is cautioned, however, that if it appears at any time in the future that Plaintiff’s financial  
28 picture has improved for any reason, the Court will direct Plaintiff to pay the filing fee to the Clerk  
of the Court. This includes any recovery Plaintiff may realize from this suit or others, and any  
assistance Plaintiff may receive from family or the government.

1 Plaintiff alleges an amount in controversy greater than \$1 million, he makes no  
2 allegations regarding the citizenship of the individual and corporate defendants.  
3 Indeed, on the face of the complaint, Plaintiff, a citizen of California, intimates that  
4 several of the defendants may also be citizens of California. Therefore, Plaintiff has  
5 not sufficiently pled diversity jurisdiction. And because there are no other bases of  
6 federal jurisdiction proffered by Plaintiff, or otherwise present on the face of the  
7 complaint, the Court has no subject matter jurisdiction over this case. The Complaint  
8 must be dismissed. Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that  
9 it lacks subject-matter jurisdiction, the court must dismiss the action.”).

10 For the foregoing reasons, Plaintiff’s motion to proceed IFP is **GRANTED**,  
11 and his Complaint is sua sponte **DISMISSED WITHOUT PREJUDICE** for lack  
12 of subject matter jurisdiction. If Plaintiff wishes to file a First Amended Complaint,  
13 he must do so no later than **April 28, 2017**.

14 **IT IS SO ORDERED.**

15  
16 **DATED: April 14, 2017**

17   
18 **Hon. Cynthia Bashant**  
19 **United States District Judge**