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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 Robert Ziegler,

11 Plaintiff,

12 v.

13 Betty T. Yee, California State Controller,
14 Defendant.

Case No.: 17-cv-2102-AJB-BLM

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

15 Pro se plaintiff Robert Ziegler, who refers to himself as “i: a man; *prosecutor*,” filed
16 a complaint against the California State Controller, Betty Yee. (Doc. No. 1.) Under Federal
17 Rule of Civil Procedure 12(h)(3), the Court can dismiss the case “at any time” if it
18 determines it “lacks subject-matter jurisdiction” Federal Courts have “an independent
19 obligation to address sua sponte whether [it] has subject-matter jurisdiction.” *Dittman v.*
20 *California*, 191 F.3d 1020, 1025 (9th Cir. 1999).

21 Ziegler filed his complaint under diversity jurisdiction. (Doc. No. 1-1 at 1.) To meet
22 the requirements of diversity jurisdiction, there must be complete diversity between the
23 plaintiff and the defendant, meaning no plaintiff can be the citizen of the same state as any
24 defendant. 28 U.S.C. § 1331; *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005). Here,
25 Ziegler’s complaint fails to show there is any diversity between himself and Yee. Ziegler’s
26 address is located within the state of California and the defendant is the Controller of
27 California.
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1 Because diversity jurisdiction is not met, the Court **DISMISSES** the case without
2 prejudice.

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4 **IT IS SO ORDERED.**

5 Dated: October 20, 2017

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7 Hon. Anthony J. Battaglia
8 United States District Judge
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