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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SYLVIA SANTOS,

Plaintiff,

v.

OFFICE DEPOT, INC.,

Defendant.

Case No.: 18cv506-LAB (MDD)

ORDER OF DISMISSAL

On March 13, the Court denied Plaintiff Sylvia Santos' motion for leave to proceed *in forma pauperis* and dismissed the complaint, directing Santos to file an amended complaint and either file a renewed IFP motion or pay the filing fee. If she did not do these things within the time permitted, the Court warned her that the complaint would be dismissed without leave to amend. After an extension, Santos has now filed a renewed IFP motion, as well as an amended complaint.

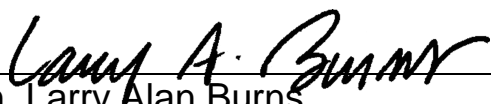
The March 13 order pointed out that the complaint failed to allege jurisdictional facts. Santos is bringing only state law claims, and she had not alleged facts showing that the parties were diverse. The amended complaint now shows that the parties are not diverse. Both Santos and the newly-added Defendant Alberto Castellanos are California citizens. The amended complaint does not allege Office Depot's citizenship, although Santos was told to do so.

1 The amended complaint is **DISMISSED WITHOUT LEAVE TO AMEND.**
2 This order does not foreclose Santos from refiling her claims in another court that
3 does have jurisdiction over them.

4 Santos' renewed IFP motion is **DENIED AS MOOT.**¹ The Clerk is directed
5 to close the docket.

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7 **IT IS SO ORDERED.**

8 Dated: April 23, 2018

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11 Hon. Larry Alan Burns
12 United States District Judge
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26 ¹ Even if it were not denied as moot, the motion would be denied for failure to
27 show that Santos cannot pay the filing fee. The application gives Santos'
28 monthly income as \$13,260, which is most likely an error. Before allowing her to
proceed IFP, the Court would have required clarification, though.