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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
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10 JEFF SIKKING; and BARBARA
11 SIKKING,
12 Plaintiff,
13 v.
14 SAN DIEGO CITY ATTORNEY'S and
15 CODE ENFORCEMENT,
16 Defendants.

Case No.: 18cv634-MMA (JMA)

**ORDER DISMISSING CASE FOR
LACK OF SUBJECT MATTER
JURISDICTION**

17 On July 31, 2018, the Court ordered Plaintiffs Jeff Sikking and Barbara Sikking
18 (collectively, "Plaintiffs") to show cause why their Complaint should not be dismissed
19 for lack of subject matter jurisdiction on or before August 17, 2018. Doc. No. 21 at 2.
20 To date, Plaintiffs have not filed a response. *See* Docket.

21 Federal district courts are "courts of limited jurisdiction," possessing "only that
22 power authorized by Constitution and statute." *Exxon Mobil Corp. v. Allapattah Servs.,*
23 *Inc.*, 545 U.S. 546, 552 (2005) (quoting *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511
24 U.S. 375, 377 (1994)). Mootness "is a question of subject matter jurisdiction." *CW*
25 *Gov't Travel, Inc. v. United States*, 46 Fed. Cl. 554, 556 (2000). "Federal courts have no
26 jurisdiction to hear a case that is moot, that is, where no actual or live controversy exists.
27 If there is no longer a possibility that an appellant can obtain relief for his claim, that
28 claim is moot and must be dismissed for lack of jurisdiction." *Foster v. Carson*, 347 F.3d

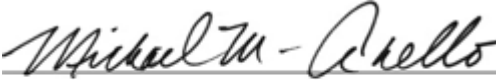
1 742, 745 (9th Cir. 2003) (citations omitted). “A case is moot when the issues presented
2 are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *City*
3 *of Erie v. Pap’s A.M.*, 529 U.S. 277, 287 (2000) (citations omitted). The central issue in
4 any mootness challenge is whether changes in the circumstances existing when the action
5 was filed have forestalled any meaningful relief. *See West v. Sec’y of Dept. of Transp.*,
6 206 F.3d 920, 925 (9th Cir. 2000) (“[T]he question is not whether the precise relief
7 sought at the time the application for an injunction was filed is still available. The
8 question is whether there can be any effective relief.”).

9 Plaintiffs seek to enjoin a state court-appointed receiver from selling their property
10 located at 4814 Auburn Street, San Diego, CA. *See* Doc. No. 1. Plaintiffs’ attached a
11 letter to their Complaint, dated March 23, 2018, from the receiver, which explains that
12 the state court approved the sale of the property and that the close of escrow is anticipated
13 “in the next week.” *Id.* at 9. Additionally, the San Diego County Recorder's website
14 indicates that a deed of trust was recorded on May 1, 2018 where the Grantor was
15 Defendant and Receiver, Richardson Griswold, and the Grantee was 4Nothing LLC.
16 Assessor/Recorder/County Clerk,
17 <https://arcc-acclaim.sdcounty.ca.gov/search/SearchTypeParcel> (last visited June 15,
18 2018). Moreover, the Court granted as unopposed Defendant Griswold’s motion to
19 dismiss and denied Plaintiff’s motion for a preliminary injunction to stop the Receiver
20 from selling the property. Doc. No. 20. As this injunctive relief is the only relief sought
21 by Plaintiffs in the Complaint, the Court finds that the Complaint is now moot.

22 Accordingly, the Court **DISMISSES** this case without prejudice for lack of subject
23 matter jurisdiction. The Clerk of Court is instructed to close this case.

24 **IT IS SO ORDERED.**

25 Dated: August 28, 2018

26 
27 Hon. Michael M. Anello
28 United States District Judge