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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

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11 OSCAR ORTIZ MARTINEZ,
12 Plaintiff,
13 v.
14 UNIVISION COMMUNICATIONS,
15 et al.,
16 Defendants.

Case No.: 18cv764-LAB (BLM)

ORDER OF DISMISSAL

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18 Plaintiff Oscar Ortiz Martinez brought defamation claims under state law,
19 identifying diversity as the basis for this Court's jurisdiction. He identifies himself
20 as a California citizen, but failed to identify the citizenship of any of the Defendants.
21 The Court ordered him to show cause why this action should not be dismissed for
22 lack of jurisdiction, by filing an amended complaint that included a short and plain
23 statement of the grounds for the Court's jurisdiction.

24 In particular, the Court cautioned him that he must allege the citizenship of
25 all parties, so as to establish complete diversity. *See Lincoln Property Co. v.*
26 *Roche*, 546 U.S. 81, 88–89 (2005). If he failed to amend successfully, the order
27 cautioned, this action would be dismissed for lack of jurisdiction. One defect the
28 order specifically identified was that Plaintiff named the Aqui y Ahora Television

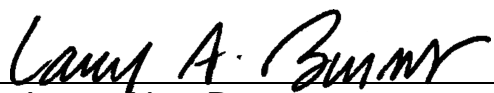
1 Program as a Defendant, with no explanation of who or what he was suing or what
2 their citizenship was.

3 Plaintiff has now filed an amended complaint that fails to allege the
4 citizenship of any Defendant. It alleges street addresses and residences for three
5 Defendants, but no citizenship for any of them. It alleges that the television
6 program "is believed to be produced in Florida, New York and elsewhere" but does
7 nothing to clarify who or what is being sued, or what the citizenship of those people
8 or entities are. For Defendant Gerardo Reyes, a writer for Aqui y Ahora, it alleges
9 no citizenship, and merely says his residence is unknown.

10 By failing to plead facts showing that the parties are diverse, Plaintiff has
11 failed to invoke the Court's jurisdiction. This action is **DISMISSED WITHOUT**
12 **PREJUDICE** to its being refiled in a court with jurisdiction over Plaintiff's claims.
13 Leave to amend is **DENIED**. The Court certifies that no appeal from this dismissal
14 would be taken in good faith. See Fed. R. App. P. (a)(3)(A).

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16 **IT IS SO ORDERED.**

17 Dated: May 25, 2018

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20 Hon. Larry Alan Burns
21 United States District Judge
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