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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10  
11 DAVID MOSIER

12 Plaintiff,

13 v.

14 QUALITY LOAN SERVICE  
15 CORP., et al.

16 Defendants.

Case No.: 19cv1956-LAB (LL)

**ORDER OF DISMISSAL**

17  
18 Plaintiff David Mosier, who is representing himself, filed his complaint asking  
19 for damages in connection with a trustee's sale, an order rescinding a recorded  
20 deed of trust and trustee's deed upon sale and quieting title, and correcting any  
21 resulting any negative credit reporting.

22 The complaint does not include the "short and plain statement" of the basis  
23 for the Court's jurisdiction required by Fed. R. Civ. P. 8(a)(1). It identifies diversity  
24 as one basis for the Court's jurisdiction, but does not allege the parties' citizenship.  
25 Although the complaint seeks more than \$75,000 in damages, it does not allege  
26 the citizenship of any parties. A party seeking to invoke diversity jurisdiction must  
27 affirmatively allege the actual citizenship of all the parties. *Kanter v. Warner-*  
28 *Lambert Co.*, 265 F.3d 853, 857 (9<sup>th</sup> Cir. 2001). See also *Segundo Suenos, LLC*

1 *v. Jones*, 494 Fed. Appx. 732, 735 (9<sup>th</sup> Cir. 2012) (holding that when limited liability  
2 company is a party, the citizenship of all its constituent members must be alleged);  
3 28 U.S.C. § 1332(c)(1) (for purposes of ordinary diversity jurisdiction, a corporation  
4 is a citizen of bot the state where it is incorporated and the state where it has its  
5 principal place of business).

6 No other basis for the Court's jurisdiction appears in the complaint. Its claims  
7 appear to arise under California state law, not federal law. The complaint also  
8 argues that the Court has jurisdiction because the state court lacks jurisdiction.  
9 This is not correct, however.

10 The complaint also mentions an unlawful detainer action in state court,  
11 without giving much information about what happened there or whether the case  
12 is ongoing. It may be that the issues Mosier is seeking to litigate here have already  
13 been decided in state court. If that is so, and if the state court judgment is final, this  
14 Court lacks jurisdiction to review them. See *Carmona v. Carmona*, 603 F.3d 1041,  
15 1050 (9<sup>th</sup> Cir. 2010) (discussing *Rooker-Feldman* doctrine).

16 The Court is required to raise jurisdictional issues, even if the parties do not.  
17 See *Chapman v. Pier 1 Imports (U.S.) Inc.*, 631 F.3d 939, 954 (9th Cir. 2011) (en  
18 banc). As the party invoking the Court's jurisdiction, Mosier is required to establish  
19 that the Court had jurisdiction to hear his claims, and that until he does so,  
20 jurisdiction is presumed to be lacking. See *Kokkonen v. Guardian Life Ins. Co. of*  
21 *Am.*, 511 U.S. 375, 377 (1994).

22 The complaint is **DISMISSED WITHOUT PREJUDICE** for failing to invoke  
23 the Court's jurisdiction. See Fed. R. Civ. P. 8(a)(1). No later than the close of  
24 business on **November 4, 2019**, Mosier may file an amended complaint that  
25 corrects the defects this order has identified, and shows that the Court has  
26 jurisdiction. His amended complaint must be received by the Court within that time,  
27 not merely postmarked or mailed.

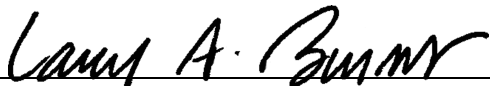
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1 Any amended complaint must explain what issues were raised in his unlawful  
2 detainer action, and what ultimately happened in that case. Mosier should also  
3 attach to his amended complaint copies of any orders of the state court in that  
4 case.

5 **If Mosier fails to amend successfully as ordered, this action may be**  
6 **dismissed without prejudice, but without leave to amend, for lack of**  
7 **jurisdiction.**

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9 **IT IS SO ORDERED.**

10 Dated: October 11, 2019

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13 Honorable Larry Alan Burns  
14 Chief United States District Judge