

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DANNY NAIL,

Plaintiff,

v.

Case No. 6:17-cv-1462-Orl-37GJK

U.S. OFFICE OF PERSONNEL
MANAGEMENT,

Defendant.

ORDER

Federal courts have the “power to decide only certain type of cases.” *See Morrison v. Allstate Indem. Co.*, 228 F.3d 1255, 1260-61 (11th Cir. 2000). Federal courts also have the obligation, in every case, to “zealously insure that jurisdiction exists.” *See Smith v. GTE Corp.*, 236 F.3d 1292, 1299 (11th Cir. 2001). Thus, this action is before the Court *sua sponte* for jurisdictional review.

In derivation of Rule 8(a)(1) of the Federal Rules of Civil Procedure, which requires “a short and plain statement of the grounds for the court’s jurisdiction” in every complaint, Plaintiff’s Amended Complaint provides no jurisdictional allegations at all. (*See* Doc. 1.) Although the Plaintiff has named a federal agency as the Defendant, this fact alone does not satisfy Rule 8(a)(1) pleading obligations.¹ Thus, repleader is required. *See*

¹ Although this Court generally may exercise jurisdiction any time the United States is the *plaintiff*, 28 U.S.C. § 1345, the Court’s jurisdiction is somewhat restricted when the United States is the *defendant*, 28 U.S.C. § 1346.

Fed. R. Civ. P. 12(h)(3) (requiring dismissal when subject jurisdiction is absent).

I. CONCLUSION

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

- (1) The Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
- (2) On or before **October 6, 2017**, Plaintiff may file an Amended Complaint.
- (3) Absent timely compliance with the requirements of this Order, this action will be **CLOSED** without further notice.

DONE AND ORDERED in Chambers in Orlando, Florida, on September 22, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Unrepresented Party
Counsel of Record