

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

DEBRA LYNN WALDHAUER,
Plaintiff,

vs.

Case No.: 3:07cv131/MCR/EMT

MENU FOODS, INC., et al.,
Defendants.

ORDER

Plaintiff Debra Waldhauer , proceeding pro se, has filed a civil complaint for damages (Doc. 1). The filing fee has been paid.

Initially, Plaintiff Debra Waldhauer and Satoru Waldhauer are advised that a person proceeding pro se may not represent the interests of other persons. Thus, Plaintiff Debra Waldhauer may not represent Satoru Waldhauer in this matter; if Satoru Waldhauer wishes to join Debra Waldhauer as a Plaintiff in this action, they must submit an amended complaint signed by both persons.

Additionally, Plaintiff Debra Waldhauer has failed to state a jurisdictional basis for this action. She does not allege that Defendants violated federal law; therefore, it does not appear that federal question jurisdiction exists under 28 U.S.C. § 1331. Furthermore, to the extent she seeks to invoke the court's diversity jurisdiction under 28 U.S.C. § 1332, she fails to allege that the amount in controversy exceeds the \$75,000.00 jurisdictional amount. She also fails to allege facts sufficient to demonstrate that the amount in controversy exceeds \$75,000.00. Therefore, in amending the complaint, Plaintiff must state the jurisdictional basis for bringing her claims in federal court.

Accordingly, it is **ORDERED**:

1. The clerk of court shall send Plaintiff Debra Waldhauer a civil complaint form for use by non-prisoners. This case number shall be written on the form.

2. Within **THIRTY (30) DAYS** from the date of docketing of this order, Plaintiff shall file an amended complaint as directed in this order. If Satoru Waldhauer wishes to join Debra Waldhauer as a Plaintiff in this action, they both must sign the amended complaint. If Satoru Waldhauer does not sign the amended complaint, the court will instruct the clerk to change the docket to reflect that there is only one Plaintiff in this case, Debra Waldhauer.

3. Failure to respond to this order as instructed will result in a recommendation of dismissal of this action.

DONE AND ORDERED this 28th day of March 2007.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE