

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

**Case Number: 14-21258-CIV-MORENO**

HAIM MICHAEL IFERGENE,

Plaintiff,

vs.

JP MORGAN CHASE, N.A.,

Defendant.

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**ORDER OF DISMISSAL**

THIS CAUSE came before the Court upon review of the Plaintiff's *pro se* "Complaint" labeled "Complaint for Halting an Illegal Foreclosure Sale Due to a Conspiracy to Commit Fraud and for Filing a False Claim to Defraud the Courts Changing Case from State Court to a Federal District Court and the "Emergency Stay Hearing of Writ of Possession and Foreclosure Sale, Motion Granting a Temporary Restraining Order Against JP Morgan Chase, NA for circumventing a Lawful Eviction Process.

Upon review of the Plaintiff's "Complaint", this Court determines that Plaintiff fails to establish any basis for a court in the Southern District of Florida to maintain jurisdiction over this action. This is an attempt by the *pro se* Plaintiff to prevent foreclosure of a home by Defendant J.P. Morgan Chase Bank in the state court proceeding 08-72117-CA-40. However, Plaintiff alleges first in his Civil Cover Sheet that the basis of federal jurisdiction is that the United States Government is a Plaintiff, which is untrue. He then cites a series of federal statutes which fail to support any cause of action for his allegations: specifically, 28 U.S.C. § 2410 (relating to actions affecting property on

which United States has liens); 28 U.S.C. § 1404 (regarding a federal action's change of venue between district courts); 31 U.S.C. § 3729 (regarding actions in which a party presents false or fraudulent claim against the United States government); 28 U.S.C. § 2639 (regarding the burden of proof relevant to actions before the Court of International Trade; and 26 U.S.C. § 7425 (also regarding the discharge of liens on property on which the United States has or claims a lien).

Plaintiff has failed to present a basis for federal jurisdiction over any of his allegations. In addition to this, Plaintiff has failed to file the requisite filing fee. It is hereby

**ADJUDGED** that this case is **DISMISSED** due to the Court's lack of jurisdiction. Plaintiff's Motion for Leave to Proceed *in forum pauperis* is **DENIED** and his "Motion to withdraw case from circuit court to federal court" is also **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 10<sup>th</sup> day of April, 2014.



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FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
Counsel of Record

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