

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 15-21591-CIV-GAYLES/TURNOFF

CARLTON HUNTER,

Plaintiff,

vs.

CHRISTIANA TRUST,
a division of Wilmington
Savings Fund Society, FSB,
not in its individual capacity
but as trustee for ARLP
Trust 2,

Defendant.

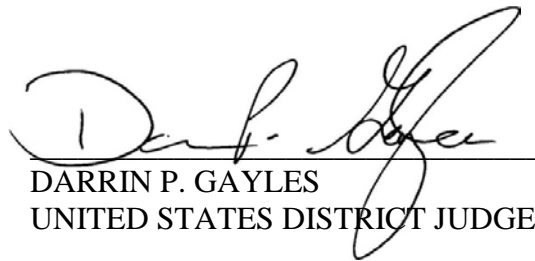
ORDER OF DISMISSAL

THIS CAUSE came before the Court *sua sponte*. The Court has reviewed the Complaint, the record and is otherwise fully advised.

On April 28, 2015, Plaintiff filed a Complaint against Defendant, Christiana Trust, alleging “trespass [forgery]” related to his property. Plaintiff does not allege a basis for this Court’s subject matter jurisdiction over the action. There does not appear to be federal question jurisdiction over Plaintiff’s claim and Plaintiff has not alleged diversity of citizenship between the parties. As a result, the Court must dismiss the action for lack of subject matter jurisdiction. *See Rivas v. Equitymax, Inc.*, No. 14-81433-CIV, 2015 WL 1505837 (S.D. Fla., March 31, 2015) ([W]e are not free to disregard the jurisdictional issue, for without jurisdiction we are powerless to consider the merits. If we lack jurisdiction, it is our duty to notice that fact *sua sponte*.”) (quoting *Wernick v. Matthews*, 524 F.3d 543, 545 (5th Cir. 1975)). Accordingly, it is

ORDERED AND ADJUDGED that this action is **DISMISSED** for lack of subject matter jurisdiction. The Clerk is instructed to mark this case closed.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of April, 2015.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE