

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ROSE BOUND,

Plaintiff,

v.

CARIBBEAN CRUISE LINE, INC. and
DOES 1-10, inclusive,

Defendant.

Case No. 14-cv-1001-JPG/SCW

MEMORANDUM AND ORDER

In light of Seventh Circuit Court of Appeals admonitions, *see Foster v. Hill*, 497 F.3d 695, 696-97 (7th Cir. 2007), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. *See Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (noting courts' "independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it"). The Court has noted the following defect in the jurisdictional allegations of the Complaint (Doc. 2) filed by Plaintiff, Rose Bond:

1. **Failure to allege a federal question under 28 U.S.C. § 1331.** The Complaint does not allege any cause of action arising under the Constitution, laws or treaties of the United States.
2. **Failure to Demonstrate Supplemental Jurisdiction under 28 U.S.C. § 1367.** In any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims. The Complaint does not allege any other claim(s) of which the district court has original jurisdiction that would extend supplemental jurisdiction to this matter.

State tort causes of action such as negligence that are based on the violation of a federal standard do not "arise under" federal law for purposes of federal question jurisdiction unless federal law provides a private cause of action. *See Merrell Dow Pharm., Inc. v. Thompson*, 478 U.S. 804, 817 (1986); *Seinfeld v. Austen*, 39 F.3d 761, 764 (7th Cir. 1994). 47 U.S.C. § 227(b)(3) provides in part, "A person or entity may, if otherwise permitted by the laws or rules of court of a

State, bring in an appropriate court of that State—“ and does not provide federal question jurisdiction.

Therefore, the Court hereby **ORDERS** Plaintiff, Rose Bound, to **SHOW CAUSE** on or before **9/27/2014** why this case should not be dismissed for lack of jurisdiction. Failure to respond to this order may result in dismissal without prejudice.

IT IS SO ORDERED.
DATED: 9/23/2014

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE