

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RAY R. JONES

CIVIL ACTION

VERSUS

NO: 11-686

WHITNEY BANK

SECTION: R

ORDER

Plaintiff Ray Jones filed a one sentence complaint alleging that Whitney Bank would not let him open an account and asserting, as his theory of liability, "whatever the law say[s] for this."¹ Defendant Whitney Bank moved for dismissal on several grounds, including lack of subject matter jurisdiction.² This Court "must dismiss the action if it finds that it lacks subject matter jurisdiction[,]" *Wolcott v. Sebelius*, 635 F.3d 757, 762 (5th Cir. 2011); Fed. R. Civ. P. 12(h)(3). "The party asserting jurisdiction bears the burden of proof on a 12(b)(1) motion to dismiss." *Life Partners, Inc. v. United States*, 650 F.3d 1026,

¹ R. Doc. 3.

² R. Doc. 18.

1029 (5th Cir. 2011). Because the plaintiff has not asserted facts sufficient to create federal subject matter jurisdiction under 28 U.S.C. §§ 1331 or 1332, the Court grants defendant's motion to dismiss.

New Orleans, Louisiana, this 27th day of February, 2012.

A handwritten signature in black ink that reads "Sarah S. Vance". The signature is written in a cursive style and is positioned above a horizontal line.

SARAH S. VANCE

UNITED STATES DISTRICT JUDGE