

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

PAUL L. MURPHY

CIVIL ACTION

VERSUS

NO.11-535-BAJ-SCR

BARRISTER GLOBAL  
NETWORK, INC., ET AL

**ORDER**

Pro se plaintiff, Paul L. Murphy, filed the complaint in this matter on August 2, 2011, and was granted *in forma pauperis* status of September 30, 2011. The complaint names as defendants, Barrister Global Network, Inc., Hewlett Packard Corp., Georgette Roussel, Jared Bowers, and Isaac Reenstien.

On September 30, 2011, the Magistrate Judge found that plaintiff's complaint fails to allege facts to establish this Court's subject matter jurisdiction. The Magistrate Judge, however, noted that "[t]he only apparent basis for subject matter jurisdiction is diversity of citizenship under 28 U.S.C. § 1332. Accordingly, plaintiff was ordered to amend the complaint, within fourteen days, to properly allege the citizenship of the defendants and to clarify whether he intended to file the complaint in this Court or in the United States District Court for the Eastern District of Louisiana. The Order further stated that "failure to comply with this order may result in the case being dismissed for lack of subject matter jurisdiction or improper venue . . . ." (Doc. 4).

The deadline to comply with the Order of September 30, 2011 has passed, and the record reveals that plaintiff has failed to comply or otherwise respond to the Order.

A federal district court is a court of limited jurisdiction and can only exercise that jurisdiction which is statutorily conferred upon it by Congress. *Margin v. Sea-Land Services, Inc.*, 812 F.2d 973, 976 (5<sup>th</sup> Cir. 1987). A complaint must be dismissed for lack of subject matter jurisdiction under Rule 12(b)(1) when the court lacks the statutory or constitutional power to hear the case. *Home Builders Ass'n of Miss., Inc. v. City of Madison*, 143 F.3d 1006, 1010 (5<sup>th</sup> Cir. 1998). The burden of proof on a Rule 12(b)(1) motion to dismiss is on the party asserting jurisdiction. *Strain v. Harrelson Rubber Co.*, 742 F.2d 888, 889 (5<sup>th</sup> Cir. 1984).

For all of the foregoing reasons, the Court finds that plaintiff has failed to establish this Court's jurisdiction. Accordingly:

**IT IS ORDERED** that this matter be, and is, hereby **DISMISSED**, pursuant to Federal Rule of Civil Procedure 12(b)(1).

Baton Rouge, Louisiana, October 18, 2011.

  
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BRIAN A. JACKSON  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA