

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TADESSE BAYENE,)	
)	
Plaintiff,)	8:10CV256
)	
v.)	
)	
FARMLAND FOODS, INC.,)	MEMORANDUM OPINION
)	
Defendant.)	
_____)	

This matter is before the Court on its own motion. On September 22, 2010, the Court entered a memorandum and order stating its concerns regarding whether subject matter jurisdiction in this court is proper (Filing No. [9](#)). The Court give plaintiff the opportunity "to file sufficient evidence with the Court showing that the amount in controversy is greater than \$75,000.00, the jurisdictional amount." (*Id.* at CM/ECF p. 5.) On September 28, 2010, plaintiff filed a response to the Court's September 22, 2010, memorandum and order (Filing No. [10](#)).

In his response, plaintiff has not supported his allegations, or submitted any evidence, relating to the amount in controversy requirement. Rather, plaintiff argues the merits of his complaint, and submits various filings relating to defendant's bankruptcy and plaintiff's disability claims. (*Id.*) Indeed, there is nothing in plaintiff's response showing that his defamation claim amounts to more than \$75,000.00. The Court gave plaintiff the opportunity to show that subject matter

jurisdiction in this Court is proper, but plaintiff has not done so. For these reasons, and for the reasons set forth in the Court's September 22, 2010, memorandum and order, this matter will be dismissed. A separate order will be entered in accordance with this memorandum opinion.

DATED this 30th day of November, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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