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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LUCILLE M. FRAZIER,

Plaintiff,

v.

ZIMMER, INC. and SPRING VALLEY
HOSPITAL MEDICAL CENTER,

Defendants.

Case No. 2:17-cv-02958-APG-CWH

**ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED
FOR LACK OF SUBJECT MATTER
JURIDICTION**

Federal district courts are courts of limited jurisdiction, deriving their power to hear cases from specific congressional grants of jurisdiction. *U.S. v. Sumner*, 226 F.3d 1005, 1009 (9th Cir. 2000). The amended complaint in this case alleges only state law claims, so there is no federal question jurisdiction. Pursuant to 28 U.S.C. § 1332, federal district courts have original jurisdiction over civil actions in diversity cases “where the matter in controversy exceeds the sum or value of \$75,000” and where the matter is between “citizens of different States.” Diversity jurisdiction requires complete diversity, meaning the plaintiff cannot be a citizen of the same state as any defendant. *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 553 (2005). As the party seeking to invoke this court’s jurisdiction, the plaintiff bears the burden of proving the court has jurisdiction. *Tosco Corp. v. Cmtys. for a Better Env’t*, 236 F.3d 495, 499 (9th Cir. 2001).


The amended complaint states that plaintiff Lucille Frazier resides in Nevada, suggesting she is a Nevada citizen. ECF No. 5 at 2. The amended complaint identifies Zimmer, Inc. as a “Minnesota based Corporation doing business in the County of Clark, State of Nevada.” ECF No. 5 at 1. But the amended complaint does not state whether Zimmer is both incorporated in Minnesota and has its principal place of business there. ECF No. 1 at 1. More importantly, the complaint identifies Spring Valley Hospital Medical Center as a “Joint Commission-accredited hospital doing business in Clark County, State of Nevada.” *Id.* This suggests Spring Valley Hospital is a Nevada citizen. If both Frazier and Spring Valley Hospital are Nevada citizens,

1 there is no diversity jurisdiction over this case, and I would have to dismiss it. I therefore order
2 Frazier to show cause why this case should not be dismissed for lack of subject matter
3 jurisdiction.

4 IT IS THEREFORE ORDERED that plaintiff Lucille Frazier shall show cause in writing
5 why this action should not be dismissed for lack of subject matter jurisdiction. Failure to do so by
6 May 11, 2018 will result in dismissal.

7 IT IS FURTHER ORDERED that the defendants may file a response on or before May
8 25, 2018.

9 DATED this 23rd day of April, 2018.

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13 ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE
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