

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BENJAMIN ARCHULETA,

Plaintiff,

v.

No. 17cv353 MV/SCY

LEONARD MARTINEZ et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

**THIS MATTER** comes before the Court on *pro se* Plaintiff's failure to timely file an amended complaint.


Plaintiff's original Complaint is largely unintelligible and it is not clear what claims Plaintiff is asserting or whether the relief he seeks can be granted. Although Plaintiff cited several federal statutes, there are no factual allegations that support federal jurisdiction. The Court concluded the original Complaint failed to state a claim and did not allege sufficient facts to support jurisdiction, dismissed the original Complaint, granted Plaintiff leave to file an amended complaint, and notified Plaintiff that failure to timely file an amended complaint may result in dismissal of this case. *See* Doc. 9 at 4-5.

Plaintiff subsequently filed two documents by the June 9, 2017, deadline for filing an amended complaint. Neither of those two documents can be construed as an amended complaint because they do not include a short and plain statement of the grounds for this Court's jurisdiction, a short and plain statement of the claim showing that Plaintiff is entitled to relief, or a demand for the relief sought, as required by Fed. R. Civ. P. 8(a). The first document is entitled "Notice of International Jurisdiction Crown of 'Guardian Eden' vs. U.S.A." Doc. 10, filed May 23, 2017. The second is entitled "Habeas Corpus Rex Deus Sovereignty Ex Cathedra Diplomacy Charter (2)

(3) Treaty Union Abolishment Sanction ‘San Joaquin Del Pueblo de Canon de Rio Chama’ ‘Independence Declaration’ ‘Atlantess.’” Doc. 11, filed June 8, 2017. Both one-page documents are largely unintelligible.

The Court will dismiss this case for lack of jurisdiction because Plaintiff has not timely filed an amended complaint which states a claim and which shows that this Court has jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action”).

**IT IS ORDERED** that this case is **DISMISSED** without prejudice.

  
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MARTHA NAZQUEZ  
UNITED STATES DISTRICT JUDGE