

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

L. LISA LEBRETON,

Plaintiff,

vs.

Civ. No. 17-841 KG/KBM

JAMIE G. SILER, THOMAS D.
BASMAJIAN, LARRY J. MONTANO,
and ROBERT KLEIN,

Defendants.

ORDER OF DISMISSAL

This matter comes before the Court upon the Magistrate Judge's Order to Show Cause, filed August 18, 2017. (Doc. 4). The Magistrate Judge found that although *pro se* "Plaintiff checked the 'Diversity' box on the Civil Cover Sheet as a basis for jurisdiction, the Complaint is devoid of any allegations regarding the citizenship of parties." *Id.* at 3. The Magistrate Judge further found that Plaintiff "has filed a pleading so lacking in factual allegations that it fails" to state a plausible claim for relief. *Id.* (quoting *Robbins v. Oklahoma*, 519 F.3d 1242, 1247 (10th Cir. 2008)) ("[T]o withstand a motion to dismiss, a complaint must contain enough allegations of fact 'to state a claim to relief that is plausible on its face.'" (citation omitted)). Consequently, the Magistrate Judge ordered that, no later than August 28, 2017, Plaintiff must show "cause why this action should not be dismissed for lack of jurisdiction." *Id.* at 4. The Magistrate Judge cautioned Plaintiff "that failure to so respond by that deadline will likely result in dismissal of this action." *Id.*

Plaintiff did not timely respond to the Order to Show Cause and, instead, filed a “notice” on September 13, 2017, stating that she intends to file an amended claim.¹ (Doc. 5). This “notice” does not explain why this action should not be dismissed for lack of jurisdiction and, in fact, does not specify at all how she intends to amend her claim. This “notice” does not provide either a timely or sufficient showing of cause under the Order to Show Cause.

IT IS, THEREFORE, ORDERED that this cause of action is dismissed without prejudice for failure to establish jurisdiction and for failure to state a plausible claim for relief.



UNITED STATES DISTRICT JUDGE

¹ While it has been approximately a month since Plaintiff filed her “notice,” she has yet to file an amended claim.