

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

CHARLES DAVID LEE,

Plaintiff,

v.

No 1:21-cv-01184-WJ-JFR

RAMONA LEE PEREZ,

Defendant.

**MEMORANDUM OPINION AND ORDER DISMISSAL**

*Pro se* Plaintiff alleged that he was in a relationship with Defendant and turned over ownership of his car to Defendant for as long as they remained in a relationship. *See* Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 at 2, Doc. 1, filed December 14, 2021. The relationship ended in 2019. *See id.* Plaintiff now seeks the return of his car. *See id.*

United States Magistrate Judge John F. Robbenhaar notified Plaintiff there is no properly alleged federal-question jurisdiction because the Complaint does not allege that this action arises under federal law, there is no properly alleged diversity jurisdiction because the Complaint states that Plaintiff and Defendant both reside in New Mexico, and that this case should be dismissed because the Court does not have jurisdiction over this matter as alleged in the Complaint. *See* Order to Show Cause, Doc. 4, filed December 16, 2021. Judge Robbenhaar ordered Plaintiff to show cause why the Court should not dismiss this case for lack of jurisdiction and to file an amended complaint alleging facts supporting jurisdiction if Plaintiff asserts that the Court has jurisdiction over this matter. Judge Robbenhaar also notified Plaintiff that failure to timely show cause and file an amended complaint may result in dismissal of this case. Plaintiff did not show cause or file an amended complaint by the January 6, 2022, deadline.

The Court dismisses this case for lack of subject-matter 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”); *Brereton v. Bountiful City Corp.*, 434 F.3d 1213, 1218 (10th Cir.2006) (“[D]ismissals for lack of jurisdiction should be without prejudice because the court, having determined that it lacks jurisdiction over the action, is *incapable* of reaching a disposition on the merits of the underlying claims.”).

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



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WILLIAM P. JOHNSON  
CHIEF UNITED STATES DISTRICT JUDGE