

plaintiffs are required to comply with the “fundamental requirements of the Federal Rules of Civil Procedure.” *Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir.1994).

“[F]ederal courts are courts of limited jurisdiction, and the party invoking federal jurisdiction bears the burden of proof.” *Penteco Corp. Ltd. Partnership—1985A v. Union Gas Sys., Inc.*, 929 F.2d 1519, 1521 (10th Cir. 1991). Federal courts “possess only that power authorized by [the] Constitution and statute.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Among the powers that Congress has bestowed upon the courts is the power to hear controversies arising under federal law-federal question jurisdiction-and controversies arising between citizens of different states-diversity jurisdiction. *See* 28 U.S.C. §§ 1331 and 1332.

The Court finds that Plaintiff has failed to establish federal jurisdiction in this matter. Even taking all of the allegations in Plaintiff’s Complaint as true, Plaintiff has arguably alleged nothing more than assault and negligence claims arising under Oklahoma law. As such, the Court does not have subject matter jurisdiction over this action. Accordingly, Defendant’s Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b)(1) is granted.

CONCLUSION

For the reasons stated above, Defendant’s Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b)(1) for lack of subject matter jurisdiction is **GRANTED**.

IT IS SO ORDERED this 15 day of May, 2013.


James H. Payne
United States District Judge
Eastern District of Oklahoma