

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

ERIC W. LOVELACE,)
Plaintiff,)
v.) Case No. CIV-17-775-D
LEVY RESTAURANTS/COMPASS GROUP,)
Defendant.)

ORDER

Upon examination of the Complaint, the Court finds that it fails to state a basis of federal subject matter jurisdiction and fails to satisfy the pleading requirements of Fed. R. Civ. P. 8(a).¹ Further, because Plaintiff is proceeding under 28 U.S.C. § 1915, the Complaint is subject to dismissal pursuant to § 1915(e)(2)(B).

IT IS THEREFORE ORDERED that Plaintiff shall file an amended complaint within 14 days of this Order to cure the deficiencies in his pleading. Otherwise, this action will be dismissed without prejudice to a future filing.

¹ Because federal district courts are courts of limited jurisdiction, this Court has “an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party,” and may raise the issue at any time. Image Software, Inc. v. Reynolds & Reynolds Co., 459 F.3d 1044, 1048 (10th Cir. 2006) (quoting Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006)). Also, although Plaintiff is a pro se litigant whose pleadings are held to a less stringent standard than ones drafted by lawyers, he must “follow the same rules of procedure that govern other litigants.” Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836, 840 (10th Cir. 2005) (quoting Nielsen v. Price, 17 F.3d 1276, 1277 (10th Cir. 1994)).

IT IS SO ORDERED this 2nd day of August, 2017.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti". The signature is written in a cursive style with a horizontal line underneath it.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE