

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT BONDICK,

Plaintiff,

Case. No. 6:20-cv-1884-MC

v.

OPINION AND ORDER

EUGENE POLICE OFFICER: R. RIOS 346,

Defendant.

MCSHANE, Judge:

Pro se plaintiff Robert Bondick filed a complaint without paying the filing fee or filing an application to proceed *in forma pauperis* (IFP). The Court, pursuant to 28 U.S.C. § 1915(e)(2), must screen applications to proceed IFP and dismiss any case that is frivolous or malicious, or fails to state a claim on which relief may be granted. As it appears clear the Court lacks jurisdiction, the Court dismisses the complaint rather than requesting Bondick file an application for leave to proceed IFP (at which time the Court would dismiss the complaint).

District courts are courts of limited jurisdiction. *Exxon Mobile Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 552 (2005). The party asserting jurisdiction bears the burden of establishing jurisdiction, and the presumption is that the district court lacks jurisdiction. *Vacek v. United States Postal Serv.*, 447 F.3d 1248, 1250 (9th Cir. 2006).

Bondick brings one negligence claim against Eugene Police Officer R. Rios. Following Plaintiff's arrest (by other officers), Plaintiff "was placed in the back of the police car of EPD

