

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**

JAN 13 2010

  
CLERK

ROBERT J. GHOST BEAR,	)	CIV. 09-5089-JLV
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
SOUTH DAKOTA DEPARTMENT	)	ORDER
OF CORRECTIONS, Employees;	)	
SOUTH DAKOTA DEPARTMENT	)	
OF HEALTH, Employees;	)	
DIAMOND PHARMACY	)	
SERVICES, Employees; TIM	)	
REISCH, Secretary for South	)	
Dakota Department of	)	
Corrections; DOUGLAS WEBER,	)	
Warden for South Dakota	)	
Department of Corrections,	)	
	)	
Defendants.	)	

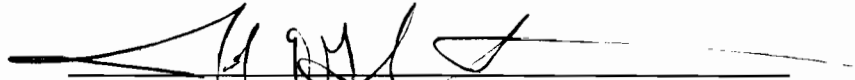
Upon further review of the pleadings the court finds that the plaintiff asserts jurisdiction based upon diversity of citizenship. (Docket 1). The court also finds that plaintiff has a separately filed action, Civ. 09-5094, wherein most, if not all, of the same claims asserted in this present action are asserted and in which an answer has been filed on behalf of the defendants. Pursuant to 28 U.S.C. § 1332(a) the court finds that there is not a complete diversity of citizenship between the parties and that this court lacks jurisdiction to proceed, now therefore, it is hereby

ORDERED that plaintiff's complaint (Docket 1) be and the same is

hereby dismissed, without prejudice.

Dated January 13, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Jeffrey L. Viven', is written over a solid horizontal line.

JEFFREY L. VIVEN  
UNITED STATES DISTRICT JUDGE