

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

VICTORIA ANDERSON,	§	
Plaintiff,	§	
	§	
v.	§	Civil Case 3:18-CV-2399-D
	§	
VIOLET L. NOBLES, et al.,	§	
Defendants.	§	

ORDER

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Plaintiff filed on December 6, 2018 an “original petition proper jurisdiction,” which the court construes to be her objections. Following *de novo* review, the court concludes that the objections should be overruled and that the findings, conclusions, and recommendation of the United States Magistrate Judge should be adopted. It is apparent that plaintiff, probably because she is not a lawyer, has confused the concept of *personal* jurisdiction with *subject matter* jurisdiction. This court lacks *subject matter* jurisdiction in this case in which the parties are not completely diverse citizens and no federal question claim has been alleged.

It is therefore ordered that this action is summarily dismissed without prejudice for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

The court prospectively certifies that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support, the court adopts and incorporates by reference the magistrate judge’s findings, conclusions, and recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, plaintiff

may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

SO ORDERED.

December 21, 2018.



SIDNEY A. FITZWATER
SENIOR JUDGE