

United States District Court
Southern District of Texas

ENTERED

January 24, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RUSSELL FRANKLIN BUCK,

Plaintiff,

VS.

ARANSAS COUNTY, TEXAS,

Defendant.

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CIVIL ACTION NO. 2:16-CV-472

ORDER ON MOTION FOR MORE DEFINITE STATEMENT

Plaintiff, Russell Franklin Buck, filed this employment discrimination case against Defendant, Aransas County, Texas, alleging age and sex (gender) discrimination. Before the Court is Defendant’s Motion for a More Definite Statement (D.E. 3), complaining that Plaintiff’s assertion that his claims are brought pursuant to “State and Federal Law” is insufficient to provide notice under Federal Rule of Civil Procedure 8 of the specific law supporting Plaintiffs’ causes of action. Plaintiff has responded that Rule 8 does not require him to provide notice of the legal theories on which his claims are based. D.E. 5. Defendant filed a reply in support of its motion. D.E. 6.

Plaintiff asserts that this case is brought under federal question jurisdiction, 28 U.S.C. § 1331. Without stating the federal law under which the case is brought, this Court cannot evaluate its own jurisdiction. It is the Plaintiff’s burden to sustain federal jurisdiction in this case. *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001). And it is the Court’s duty to raise the issue sua sponte if the parties do not do so. *Kidd v. Southwest Airlines, Co.*, 891 F.2d 540, 546 (5th Cir. 1990).

For these reasons, the Court GRANTS the motion (D.E. 3) and ORDERS Plaintiff to file an amended complaint stating the source or legal theory upon which each of his claims is based. Plaintiff is ORDERED to file his amended complaint on or before January 30, 2017.

ORDERED this 24th day of January, 2017.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE