

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JOSEPH BUCHHOLZ CADENA and
JENNIFER ROSE DEGOLLADO

S 2000

Plaintiffs,

V.

1:16-cv-1009-RP

OSO DORMIDO, LLC, JAMES SETH,
HICKS, CITY OF AUSTIN HOUSING
AUTHORITY SECTION 8

Defendants.

ORDER

Before the Court is Plaintiff Joseph Buchholz Cadena's Amended Motion for a Temporary Restraining Order (Dkt. 6). The motion requests the Court to grant an immediate restraining order against OSO Dormido, LLC; Richard Johnathon Cahan; Jon David Kendall; and James Seth Hicks "prohibiting them from communicating, harassing, threatening with violence, committing violence against Joseph Cadena, Jennifer Degollado, and all other occupants" living at 9612 Sugar Hill Dr., Unit A in Austin, Texas. (Pls.' Am. Mot. TRO, Dkt. 6, at 1).

As the Court noted in the order denying Plaintiffs' first Motion for a Temporary Restraining Order, (Dkt. 2), a "party seeking to invoke the jurisdiction of a federal court must demonstrate that the case is within the competence of that court." *Lowe v. Ingalls Shipbuilding, A Div. of Litton Sys., Inc.*, 723 F.2d 1173, 1177 (5th Cir. 1984). "The presumption is that a federal court lacks jurisdiction in a particular case until it has been demonstrated that jurisdiction over the subject matter exists." *Id.* Plaintiffs' most recent filings provide no additional information suggesting the Court has jurisdiction over Plaintiffs' claims, which primarily involve a landlord-tenant dispute.

In light of the foregoing, it is hereby **ORDERED** that Plaintiffs' Motion for a Temporary Restraining Order (Dkt. 6) is **DENIED**.

SIGNED on August 30, 2016.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE