

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

<p>ALLAN R. RICHARDS, Plaintiff, vs. FIRST FRANKLIN LOAN SERVICES, <i>et al.</i>, Defendants.</p>	<p style="text-align: center;">ORDER and MEMORANDUM DECISION</p> <p style="text-align: center;">Case No. 2:11-cv-306 CW</p>
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Now before the court is Plaintiff’s motion for a temporary restraining order. (Dkt. No. 2.) The court is mindful that it should construe this pro se Plaintiff’s pleadings “liberally.” *Ledbetter v. City of Topeka, Kan.*, 318 F.3d 1183, 1187 (10th Cir. 2003). On the other hand, “the court should not assume the role of advocate” for pro se parties. *Northington v. Jackson*, 973 F.2d 1518, 1520 (10th Cir. 1992).

Following this guidance, the court concludes that at this point, there is no apparent basis to exercise jurisdiction in this matter. Plaintiff has not expressly plead the requirements for diversity jurisdiction, nor has he asserted that this case involves a federal question. Moreover, even giving the complaint a liberal construction, the court does not believe that a basis for jurisdiction can reasonably be implied in the complaint. While the complaint mentions federal law in several instances, it does not appear that Plaintiff’s causes of action turn on the resolution of a federal law question. Rather, Plaintiff’s case seems to be based entirely on Utah real property law. Further, there is not enough in the complaint to suggest that diversity may be a basis for jurisdiction here. Plaintiff does not plead his state citizenship or that of the Defendants.

Plaintiff also fails to allege an amount in controversy.

Because the court is not satisfied that it has jurisdiction, the motion for a temporary restraining order is DENIED. Further, Plaintiff is hereby ORDERED to show cause why this action should not be dismissed for lack of subject matter jurisdiction. Plaintiff must respond by May 16, 2011. Failure to respond will result in the dismissal of this case without prejudice.

SO ORDERED this 19th day of April, 2011.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Clark Waddoups", is written over a horizontal line.

Clark Waddoups
United States District Judge