UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING BUSINESS AS CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR BCAT 2014-6TT,

Plaintiff,

v.

COREY FRYBERG, *et al.*,

Defendants.

Case No. C17-1196RSL

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*. On August 8, 2017, plaintiff filed the above-captioned matter seeking to enforce a Note and Deed of Trust executed by defendant Corey Fryberg regarding property located within the Tulalip Reservation. Plaintiff alleges that this Court has jurisdiction over its claims based on diversity of citizenship and Tulalip Tribal Code 2.05.020. Plaintiff has not, however, provided the citizenship of the various parties involved in this litigation. Nor has it given any indication why TTC 2.05.020, which states that the Tulalip Tribal Court has jurisdiction over matters having to do with rights in or encumbrances to lands within the Tulalip

Reservation, supports this Court's jurisdiction.

The party seeking a federal venue has the burden of establishing this Court's subject matter jurisdiction (In re Dynamic Random Access Memory (DRAM) Antitrust Litig., 546 F.3d 981, 984 (9th Cir. 2008)), and it has long been recognized that the Court can *sua sponte* consider the issue of subject matter jurisdiction at any time during the proceeding (Scholastic Entm't, Inc. v. Fox Entm't Group, Inc., 336 F.3d 982, 985 (9th Cir. 2003); Fed. R. Civ. P. 12(h)(3)). Plaintiff has failed to show that there is "complete diversity of citizenship between the parties opposed in interest." Kuntz v. Lamar Corp., 385 F.3d 1177, 1181 (9th Cir. 2004) (internal citation omitted). It therefore appears that there is no basis for federal jurisdiction over this matter. Plaintiff is hereby ORDERED TO SHOW CAUSE on or before August 25, 2017, why the Court should not dismiss this action for lack of subject matter jurisdiction by filing an amended complaint that adequately establishes federal jurisdiction. The Clerk of the Court is directed to place this order to show cause on the Court's calendar for August 25, 2017.

Dated this 17th day of August, 2017.

Robert S. Lasnik
United States District Judge