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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES HENRY TROUTMAN,

Plaintiff,

v.

AT&T MOBILITY CORPORATION, et
al.,

Defendants.

CASE NO. C09-5666BHS

ORDER DENYING
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT
AND DISMISSING CASE

This matter comes before the Court on Plaintiff's ("Troutman") motion for summary judgment (Dkt. 10). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

I. DISCUSSION

On May 17, 2010, Troutman moved the Court for summary judgment in this matter. Dkt. 10. On May 20, 2010, Defendants responded. Dkt. 11. Troutman did not reply. On May 27, 2010, Troutman moved the Court to rene the summary judgment motion (Dkt. 10) to June 25. Dkt. 13.

1 On April 1, 2010, the Court ordered Troutman to file a joint status report or face
2 dismissal. Dkt. 6. To date, Troutman has not complied with this order, which alone is a
3 basis to dismiss this matter without prejudice.


4 This case should also be dismissed for other reasons. Troutman's complaint alleges
5 only claims based on Washington State's laws. *See* Dkt. 1 (Complaint). In other words,
6 we are not concerned with federal question jurisdiction. *See* 28 U.S.C. § 1331. Troutman
7 appears to be proceeding under diversity jurisdiction, which requires (1) complete
8 diversity between the parties and (2) that the amount in controversy exceed \$75,000. *See*
9 28 U.S.C. § 1332. Troutman, however, seeks damages only in the amount of \$4,070 in
10 addition to costs. Therefore, diversity jurisdiction cannot exist in this case as pleaded. *See*
11 *id.*

12 Because Troutman did not file the required joint status report and because he has
13 not established that the Court possesses subject matter jurisdiction over his case, the
14 matter is dismissed without prejudice.

15 II. CONCLUSION

16 Therefore, it is hereby **ORDERED** that Troutman's motion for summary judgment
17 (Dkt. 10) is **DENIED**, and this case is **DISMISSED** without prejudice, which **MOOTS**
18 Troutman's motion to extend (Dkt. 13).
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20 DATED this 25th day of June, 2010.

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24 BENJAMIN H. SETTLE
25 United States District Judge
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