

over cases in which the amount in controversy exceeds \$75,000 and involves citizens of different states. *See* 28 U.S.C. § 1332(a)(1). This is known as jurisdiction based on diversity of citizenship.

Valdez has failed to allege in her complaint that either federal-question jurisdiction or jurisdiction based on diversity of citizenship exists in this case. (*See* Compl. ¶ 3 [Doc. No. 1].) Indeed, from the face of the complaint, it appears exceedingly doubtful that either basis for original jurisdiction *could* exist over this lawsuit. First, the harassment claims brought by Valdez in this litigation arise entirely under *state* law, not federal law. No federal statute, constitutional provision, or treaty has been invoked by Valdez, and even affording her complaint the broadest possible interpretation, no such statute, provision, or treaty could have been invoked by her. Second, there is no indication that the parties are citizens of different states. To the contrary, both parties are residents of Minnesota (*see* Compl. ¶¶ 1-2), making it likely that Valdez and Simpson are citizens of the same state. Finally, no other basis for federal subject-matter jurisdiction is apparent from the complaint.

Simply put, this matter belongs in state court, not federal court. Because the Court lacks subject-matter jurisdiction over the complaint, it is hereby recommended that this matter be dismissed without prejudice. Finally, because this matter cannot go forward, it is further recommended that Valdez's application to proceed *in forma pauperis* [Doc. No. 2] be denied as moot.

Based on the foregoing, and on all of the files, records, and proceedings herein **IT IS HEREBY RECOMMENDED THAT:**

1. This matter be **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction.
2. Plaintiff Reanna Valdez's application to proceed *in forma pauperis* [Doc. No. 2] be **DENIED AS MOOT**.

Dated: February 6, 2018

s/ Hildy Bowbeer
HILDY BOWBEER
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).