

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JESUS SANCHEZ-CANETE,

Plaintiff,

v.

MIRIAN Y. BOQUIN BANEGAS, *et al.*,

Defendants.

Civil Action No. 17-905 (RDM)

MEMORANDUM OPINION

Jesus Sanchez-Canete, a resident of Virginia, brings this action for libel and slander against forty-three defendants, thirty-eight of whom also reside in Virginia. Dkt. 1 at 1–4. He asserts diversity as the basis for jurisdiction in this Court. *Id.* at 6. Because it appears from the face of the complaint that Sanchez-Canete has failed to satisfy the statutory requirements of diversity jurisdiction, the Court ordered him to show cause why this case should not be dismissed for lack of jurisdiction. Dkt. 2. In his response to the Court’s order, Sanchez-Canete asserts that “the majority of the defendants are Alien, neither U.S. Citizens or U.S. Legal Permanent Residents, placing the jurisdictions in the Federal Courts” pursuant to 28 U.S.C. § 1332. Dkt. 5 at 1.

Sanchez-Canete is mistaken. Diversity jurisdiction “is lacking if there are any litigants from the same state on opposing sides.” *Saadeh v. Farouki*, 107 F.3d 52, 55 (D.C. Cir. 1997) (internal quotation mark omitted) (quoting *Prakash v. Am. Univ.*, 727 F.2d 1174, 1178 n.25 (D.C. Cir. 1984)). Sanchez-Canete is the party seeking to invoke federal jurisdiction, and he “bears the burden of establishing its existence.” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 103–04 (1998). That “the *majority* of the defendants” are allegedly aliens not admitted for

lawful permanent residence is irrelevant to Sanchez-Canete's efforts to discharge that burden, Dkt. 5 at 1 (emphasis added); rather, he must show that *none* of the thirty-eight Virginia residents named as defendants in the complaint is a citizen or lawful permanent resident of the United States. Sanchez-Canete's response to the Court's order falls short of that mark, and, indeed, it suggests that at least a *minority* of the defendants are either U.S. citizens or legal permanent residents. Because Sanchez-Canete's filings are insufficient to establish federal jurisdiction, the Court will, on its own motion, dismiss this case without prejudice.

A separate order will issue.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: May 31, 2017