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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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BARBARA RATCLIFFE,

 Plaintiff,

 v.

YOCHA DEHE WINTUN NATION d/b/a
CACHE CREEK CASINO RESORT,

 Defendant.

No. 2:24-cv-02748 WBS CSK

ORDER RE: DEFENDANT'S MOTION
TO DISMISS¹

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Plaintiff Barbara Ratcliffe brought this action against defendant Yocha Dehe Wintun Nation, doing business as Cache Creek Casino Resort, alleging employment discrimination and wrongful termination under California law. (Docket No. 1.) Defendant now moves to dismiss the action for lack of subject matter jurisdiction. (Docket No. 4.) Plaintiff has not filed any opposition to the motion and the time to do so has passed. See

¹ The motion is decided on the papers without oral argument pursuant to Local Rule 230. The scheduled January 6, 2025 hearing on the motion is hereby VACATED.

1 L.R. 230(c).

2 Federal courts have original jurisdiction over actions
3 arising under federal law. 28 U.S.C. § 1331. This action does
4 not arise under federal law, as plaintiff brings only California
5 state law claims. (See Docket No. 1.)

6 Federal courts also have original jurisdiction over
7 cases where complete diversity exists between the parties and the
8 amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a).
9 “[U]nincorporated Indian tribes cannot sue or be sued in
10 diversity because they are not citizens of any state.” Am.
11 Vantage Cos. v. Table Mountain Rancheria, 292 F.3d 1091, 1095
12 (9th Cir. 2002). Accordingly, this court cannot exercise
13 diversity jurisdiction over defendant.

14 Because neither federal question nor diversity
15 jurisdiction is present, plaintiff has not met her burden of
16 demonstrating that the court has subject matter jurisdiction, see
17 Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377
18 (1994).

19 IT IS THEREFORE ORDERED that defendant’s motion to
20 dismiss (Docket No. 4) be, and the same hereby is, GRANTED. The
21 Clerk of Court is directed to close this case.

22 Dated: December 12, 2024



23 WILLIAM B. SHUBB

24 UNITED STATES DISTRICT JUDGE