

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Pedro Anaya v. Miami Dade Corrections and Rehabilitation
Department Headquarters

Anaya · No. 26-CV-20345-ELFENBEIN · Decided March 12, 2026

SUMMARY

The document is a Report and Recommendation recommending dismissal without prejudice of Pedro Anaya’s pro se civil action against the Miami-Dade Corrections and Rehabilitation Department Headquarters. The court concluded that the plaintiff had not established federal subject-matter jurisdiction because diversity jurisdiction was inadequately alleged and a federal-question basis was not clearly asserted, and the plaintiff failed to respond to an order to show cause.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Marty Fuleguiera Elfenbein
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 12, 2026
DOCKET	26-CV-20345-ELFENBEIN
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on sua sponte review recommending dismissal without prejudice for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	The Court independently examined subject-matter jurisdiction sua sponte and applied the rule that the party invoking federal jurisdiction bears the burden of establishing jurisdiction by a preponderance of the evidence.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; subject to district-judge review and possible objections.

TOPICS

- subject matter jurisdiction
- civil procedure
- pleadings
- fourteenth amendment
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Court could exercise diversity jurisdiction under 28 U.S.C. § 1332 when the complaint did not establish complete diversity or an amount in controversy exceeding \$75,000.
2. Whether the Court could exercise federal-question jurisdiction under 28 U.S.C. § 1331 when the complaint mentioned constitutional violations but did not expressly invoke federal-question jurisdiction, identify a federal cause of action, or provide supporting factual allegations.
3. Whether dismissal without prejudice was appropriate when Plaintiff failed to establish subject-matter jurisdiction after being ordered to show cause.

HOLDINGS

1. Plaintiff failed to establish diversity jurisdiction because the complaint did not show complete diversity between Plaintiff and Defendant and did not establish that the amount in controversy exceeded \$75,000.
2. Plaintiff failed to establish federal-question jurisdiction because, although the complaint appeared to reference constitutional violations, it did not expressly invoke § 1331, identify a federal cause of action such as § 1983, or allege supporting facts sufficient to assure the Court that federal jurisdiction existed.
3. A federal court must examine its subject-matter jurisdiction sua sponte when jurisdiction may be lacking, including at the earliest possible stage of the proceedings.

KEY QUOTATIONS

“Because “[f]ederal courts are courts of limited jurisdiction,” they “possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree.”” (at 2)

“Diversity jurisdiction requires complete diversity; every plaintiff must be diverse from every defendant.” (at 2)

“[I]f a Complaint’s factual allegations do not assure the court it has subject matter jurisdiction, then the court is without power to do anything in the case.” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that correctional officers violated his constitutional rights by housing felons and misdemeanants together, improperly searching him, and releasing him from lockup in an unsafe location. He alleged that he was a California citizen but also identified a Miami-Dade County residence and Miami address. He did not state a dollar amount for his requested compensation, did not clearly plead federal-question jurisdiction or a federal cause of action, and failed to respond to the order to show cause.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint on January 20, 2026, alleging constitutional violations by a Miami-Dade governmental entity and invoking diversity jurisdiction. After questioning subject-matter jurisdiction, the Court issued an order to show cause requiring Plaintiff to identify a jurisdictional basis. Plaintiff failed to respond, and

the magistrate judge recommended dismissal without prejudice and closure of the case, subject to objections and review by the assigned district judge.

DISPOSITION

dismissed

CASES CITED

- Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir. 1998)
- Bank of New York Mellon v. Bazile, No. 24-CV-60328, 2024 WL 5433074, at *1 (S.D. Fla. May 30, 2024)
- Woldeab v. DeKalb County Board of Education, 885 F.3d 1289, 1292 (11th Cir. 2018)
- Travaglio v. American Express Co., 735 F.3d 1266, 1268 (11th Cir. 2013)
- Orchid Quay, LLC v. Suncor Bristol Bay, LLC, 178 F. Supp. 3d 1300, 1303 (S.D. Fla.)
- Triggs v. John Crump Toyota, Inc., 154 F.3d 1284, 1287 (11th Cir. 1998)
- Underwriters at Lloyd’s, London v. Osting-Schwinn, 613 F.3d 1079, 1085 (11th Cir. 2010)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- University of South Alabama v. American Tobacco Co., 168 F.3d 405, 410 (11th Cir. 1999)
- Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999)
- Rolling Greens MHP, L.P. v. Comcast SCH Holdings LLC, 374 F.3d 1020, 1021-22 (11th Cir. 2004)
- Pacheco, 139 F.3d at 1373
- Thomas v. Arn, 474 U.S. 140, 149 (1985)
- Henley v. Johnson, 885 F.2d 790, 794 (11th Cir. 1989)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 26-CV-20345-ELFENBEIN PEDRO ANAYA, Plaintiff, v. MIAMI DADE CORRECTIONS AND REHABILITATION DEPARTMENT HEADQUARTERS., Defendant.
_____/ REPORT AND RECOMMENDATION
DISMISSING CASE THIS CAUSE is before the Court on a sua sponte review of the record.

On January 20, 2026, Plaintiff Pedro Anaya (“Plaintiff”) filed a Complaint against Defendant Miami Dade Corrections and Rehabilitation Department Headquarters (“Defendant”). See ECF No. [1]. In the Complaint, Plaintiff appears to allege that Defendant’s “correctional officers” violated his constitutional rights in various ways, including by housing felons and misdemeanants in the same cells, improperly searching him, and releasing him from lockup in an unsafe place.

See ECF No. [1] at 2–4. Plaintiff also alleges this Court has jurisdiction under “diversity of citizenship,” though he gives conflicting information about his citizenship: he says he is a citizen

of California, see ECF No. [1] at 3, but he claims to reside in “Dade” county and gives a street address for himself in Miami, see ECF No. [1] at 1; ECF No. [1-1]; ECF No. [1-2].

Pursuant to Administrative Order 2025-11, which applies to cases that include as a party “a non-prisoner pro se” litigant, this case was assigned to me as the presiding judge for all purposes, including entering dispositive orders, presiding over any trial, and entering a final judgment.

After reviewing the Complaint, the Court surmised that it may lack subject-matter jurisdiction over this lawsuit. For that reason, and because Plaintiff is proceeding pro se, the Court gave him a chance to establish, if possible, that the Court has subject-matter jurisdiction over the Complaint. See ECF No. [6]; *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir.

1998); *Bank of New York Mellon v. Bazile*, No. 24-CV-60328, 2024 WL 5433074, at *1 (S.D. Fla. May 30, 2024); cf. *Woldeab v. DeKalb Cty. Bd. of Educ.*, 885 F.3d 1289, 1292 (11th Cir. 2018). Specifically, the Court ordered Plaintiff to show cause why the Court should not dismiss this action for lack of subject-matter jurisdiction by highlighting any basis for subject-matter jurisdiction.

See ECF No. [6]. The Court ordered Plaintiff to do so by January 30, 2026, and he failed to respond. District courts have original jurisdiction if the case contains a federal question, see 28 U.S.C. § 1331, or the parties are completely diverse and meet the amount-in-controversy requirement, see 28 U.S.C. § 1332(a); *Travaglio v. Am. Exp. Co.*, 735 F.3d 1266, 1268 (11th Cir.

2013); *Orchid Quay, LLC v. Suncor Bristol Bay, LLC*, 178 F. Supp. 3d 1300, 1303 (S.D. Fla. 2016). “Diversity jurisdiction requires complete diversity; every plaintiff must be diverse from every defendant.” *Triggs v. John Crump Toyota, Inc.*, 154 F.3d 1284, 1287 (11th Cir. 1998).

The “party commencing suit in federal court... has the burden of establishing, by a preponderance of the evidence, facts supporting the existence of federal jurisdiction.” *Underwriters at Lloyd’s, London v. Osting-Schwinn*, 613 F.3d 1079, 1085 (11th Cir. 2010).

Because “[f]ederal courts are courts of limited jurisdiction,” they “possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree.” See *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citations omitted). Courts “should inquire into whether” they have “subject matter jurisdiction at the earliest possible stage in the proceedings,” and they must do so “sua sponte whenever it may be lacking.” See *Univ. of S. Ala. v. Am.*

Tobacco Co., 168 F.3d 405, 410 (11th Cir. 1999); *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999) (“[S]ubject-matter delineations must be policed by the courts on their own initiative even at the highest level.”).

In the Complaint, Plaintiff alleged the Court has jurisdiction under “diversity of citizenship,” see ECF No. [1] at 3, but it does not appear that Plaintiff satisfies either of the criteria to invoke that statute. Defendant, which is a Miami-Dade governmental entity, appears to be a citizen of Florida. See ECF No. [1] at 2. And while Plaintiff alleges that he is a citizen of California, see ECF No. [1] at 3, he also alleges that he resides in Miami-Dade County, see ECF No. [1-1], and lists for himself a street address in Miami, see ECF No. [1] at 1; ECF No. [1-2].

It is, therefore, unclear from the face of the Complaint whether Plaintiff is diverse from Defendant, which is necessary to establish the complete diversity required for the Court to have subject-matter jurisdiction under § 1332. See *Triggs*, 154 F.3d at 1287. Without additional information about the citizenship of the Parties, the Court cannot determine whether every plaintiff is diverse from every defendant.

See *Rolling Greens MHP, L.P. v. Comcast SCH Holdings LLC*, 374 F.3d 1020, 1021–22 (11th Cir. 2004); *Triggs*, 154 F.3d at 1287. Indeed, if both Parties are citizens of Florida, complete diversity is defeated. See *Rolling Greens*, 374 F.3d at 1021–22; *Triggs*, 154 F.3d at 1287. And no complete diversity means no diversity jurisdiction. See *Triggs*, 154 F.3d at 1287.

As a result, the Court cannot ensure that complete diversity exists, see *Triggs*, 154 F.3d at 1287, as it is required to do, see *Univ. of S. Ala.*, 168 F.3d at 410; *Ruhrgas AG*, 526 U.S. at 583. Second, jurisdiction under § 1332(a) also requires that the amount in controversy be more than \$75,000. See 28 U.S.C. § 1332(a); *Travaglio*, 735 F.3d at 1268; *Orchid Quay, LLC*. Although Plaintiff asks for “high demand compensation” in his explanation of the amount in controversy, he does not give a dollar amount, see ECF No. [1] at 4, so the Court cannot assess whether he meets that requirement of § 1332(a), see *Osting-Schwinn*, 613 F.3d at 1085.

It is Plaintiff’s burden to establish by a preponderance of the evidence that federal jurisdiction exists, see *Osting-Schwinn*, 613 F.3d at 1085, and he has not done so as to diversity jurisdiction under § 1332, see *Rolling Greens*, 374 F.3d at 1021–22; *Triggs*, 154 F.3d at 1287. Similarly, although Plaintiff appears to raise some violations of his constitutional rights, see ECF No. [1] at 4, he does not expressly assert federal question jurisdiction under § 1331 as the basis for subject-matter jurisdiction in this lawsuit, invoking only diversity jurisdiction, see ECF No. [1] at 3.

Indeed, the form Complaint contains a space for Plaintiff to identify the precise basis for jurisdiction if it is based on federal question jurisdiction, but Plaintiff left that section blank. See ECF No. [1] at 3. Nor does he frame his claims in terms that make clear he is alleging a federal cause of action like 42 U.S.C. § 1983.1 See generally ECF No. [1].

And the burden of establishing, by a preponderance of the evidence, facts supporting the existence of federal jurisdiction is on Plaintiff. See *Osting-Schwinn*, 613 F.3d at 1085. Given the lack of information in Plaintiff’s Complaint and his wholesale failure to respond to the Order to Show

Cause and provide the Court with additional necessary information, the Court remains unable to assess whether it has subject-matter jurisdiction under § 1331.

The Court made clear in the Order to Show Cause that if Plaintiff failed to properly allege subject-matter jurisdiction in his response, the Court might dismiss this case without prejudice for lack of subject-matter jurisdiction without further warning. See ECF No. [6]; Travaglio, 735 F.3d at 1268 (“[I]f a Complaint’s factual allegations do not assure the court it has subject matter jurisdiction, then the court is without power to do anything in the case.”).

And Plaintiff did not 1 While Plaintiff appears to raise violations of the Fourth, Fifth, Eighth, and Fourteenth Amendments, he does so in a conclusory fashion, without any facts supporting his claims, and does not assert any federal statutory claim for relief arising from these purported violations. See ECF No. [1] at 4. CASE NO. 26-CV-20345-ELFENBEIN respond to the Order to Show Cause at all, let alone with information sufficient to establish federal subject-matter jurisdiction.

Accordingly, the Court must conclude that it lacks subject-matter jurisdiction over Plaintiff’s claims. See Kokkonen, 511 U.S. at 377; Ruhrgas AG, 526 U.S. at 583; Univ. of S. Ala., 168 F.3d at 410; Pacheco, 139 F.3d at 1373.

For the foregoing reasons, I respectfully RECOMMEND that this action be DISMISSED WITHOUT PREJUDICE for lack of subject-matter jurisdiction and that the case be CLOSED. The Parties will have fourteen (14) days from the date of being served with a copy of this Report and Recommendation within which to file written objections, if any, with the assigned United States District Judge.

Failure to timely file objections shall bar the Parties from a de novo determination by the District Judge of an issue covered in the Report and shall bar the Parties from attacking on appeal unobjected-to factual and legal conclusions contained in this Report except upon grounds of plain error if necessary in the interest of justice. See 28 U.S.C. § 636(b)(1); Thomas vy.

Arn, 474 U.S. 140, 149 (1985); Henley v. Johnson, 885 F.2d 790, 794 (11th Cir. 1989); 11th Cir. R. 3-1 RESPECTFULLY SUBMITTED in Chambers in Miami, Florida on March 12, 2025. = i MARTY FULEGUEIRA ELFENBEIN UNITED STATES MAGISTRATE JUDGE ce: All Counsel of Record Pedro Anaya 1255 NW 58" Street Apt. 206 Miami, FL 33142 PROSE