

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

August Wakat v. Henry Winn; Linda Winn; John Does 4–50

Wakat · No. 25-CV-00380-SEH-JFJ · Decided February 9, 2026

SUMMARY

The United States District Court for the Northern District of Oklahoma dismisses August Wakat’s pro se complaint without prejudice for failure to adequately plead subject-matter jurisdiction. The court concludes that the complaint’s diversity-jurisdiction allegations identify residence rather than citizenship and do not establish the citizenship of the defendants; related motions are deemed moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Oklahoma
WRITING FOR THE COURT	Sara E. Hill
JURISDICTION	United States District Court for the Northern District of Oklahoma
DECIDED	February 9, 2026
DOCKET	25-CV-00380-SEH-JFJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a pro se complaint and related motions and sua sponte considered whether subject-matter jurisdiction existed.
STANDARD OF REVIEW	The court independently reviewed the existence of subject-matter jurisdiction and construed the pro se complaint liberally, while requiring sufficient factual allegations to establish jurisdiction.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status not stated
PARTIES	August Wakat v. Henry Winn, Linda Winn, John Does 4–50

TOPICS

- subject matter jurisdiction
- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- federal jurisdiction

QUESTIONS PRESENTED

1. Whether the complaint adequately alleged facts establishing diversity subject-matter jurisdiction under 28 U.S.C. § 1332(a)(1).
2. Whether the court was required to dismiss the complaint sua sponte when the record did not establish subject-matter jurisdiction.

HOLDINGS

1. Allegations that parties reside in particular states are insufficient to establish citizenship for diversity jurisdiction; citizenship depends on domicile.
2. A federal court must dismiss a claim that does not fall within its subject-matter jurisdiction, including when the jurisdictional defect is identified sua sponte.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction, and there is a presumption against the exercise of federal jurisdiction.”

“An individual’s residence is not equivalent to his domicile and it is domicile that is relevant for determining citizenship.”

FACTUAL BACKGROUND

Wakat asserted state-law claims against Henry Winn, Linda Winn, and John Does 4–50 and alleged that diversity jurisdiction existed because he resided in Colorado while the defendants resided in Oklahoma. His complaint did not allege the defendants' citizenship or domicile. Although a disclosure statement identified Wakat as a Colorado citizen, the record contained no facts establishing the citizenship of the defendants.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint asserting state-law claims and alleging diversity jurisdiction, along with motions to proceed in forma pauperis and to file electronically. The court found that the complaint alleged only the parties' residences, not their citizenship or domicile, and dismissed the complaint without prejudice for lack of subject-matter jurisdiction. The pending motions were denied as moot, and the court stated that the dismissal did not alter existing filing restrictions.

DISPOSITION

dismissed

CASES CITED

- Merida Delgado v. Gonzalez, 428 F.3d 916, 919 (10th Cir. 2005)
- Penteco Corp. v. Union Gas Sys., Inc., 929 F.2d 1519, 1521 (10th Cir. 1991)
- McNutt v. Gen. Motors Acceptance Corp. of Ind., Inc., 298 U.S. 178, 182 (1936)
- Montoya v. Chao, 296 F.3d 952, 955 (10th Cir. 2002)

- 1mage Software, Inc. v. Reynolds & Reynolds Co., 459 F.3d 1044, 1048 (10th Cir. 2006)
- Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Siloam Springs Hotel, L.L.C. v. Century Sur. Co., 781 F.3d 1233, 1238 (10th Cir. 2015)
- Whitelock v. Leatherman, 460 F.2d 507, 514 n.14 (10th Cir. 1972)
- ADA Carbon Sols. (Red River), LLC v. Atlas Carbon, LLC, 146 F.4th 1296, 1304 (10th Cir. 2025)
- In the Matter of August Wakat Filing Restrictions, No. 25-go-00001-JFH (N.D. Okla. September 10, 2025)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-northern-district-of-ok/2026/august-wakat-v-henry-winn-linda-winn-john-does-4-50-99f7ncxs>