

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

Demond Travelle Boone v. Real Estate Maximus (RE-MAX)

Boone · No. 25-CV-0543-CVE-MTS · Decided December 5, 2025

SUMMARY

The United States District Court for the Northern District of Oklahoma dismissed Demond Travelle Boone’s complaint against Real Estate Maximus without prejudice for lack of subject-matter jurisdiction. The court held that the complaint alleged no facts establishing federal-question or diversity jurisdiction and deemed Boone’s motion to proceed in forma pauperis moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Oklahoma
WRITING FOR THE COURT	Claire V. Eagan
JURISDICTION	United States District Court for the Northern District of Oklahoma
DECIDED	December 5, 2025
DOCKET	25-CV-0543-CVE-MTS
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiff filed a complaint and a motion for leave to proceed in forma pauperis. The district court sua sponte examined subject-matter jurisdiction and dismissed the complaint without prejudice under Federal Rule of Civil Procedure 12(h)(3).
STANDARD OF REVIEW	The court independently reviewed subject-matter jurisdiction, which may be raised sua sponte at any stage of litigation. Under Federal Rule of Civil Procedure 12(h)(3), dismissal is required when the court determines that subject-matter jurisdiction is lacking.
PRECEDENTIAL VALUE	unknown

TOPICS

- subject matter jurisdiction
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- pro se litigation

QUESTIONS PRESENTED

1. Whether the complaint alleged facts sufficient to establish federal-question or diversity subject-matter jurisdiction.
2. Whether the district court was required to dismiss the action sua sponte under Federal Rule of Civil Procedure 12(h)(3) when the complaint failed to establish subject-matter jurisdiction.
3. Whether the plaintiff's motion to proceed in forma pauperis remained justiciable after dismissal of the complaint.

HOLDINGS

1. The complaint failed to allege any basis for federal subject-matter jurisdiction because it identified no federal question and failed to plead complete diversity, the defendant's citizenship, or an amount in controversy exceeding \$75,000.
2. A federal court has an independent obligation to determine whether subject-matter jurisdiction exists and may raise the issue sua sponte at any stage of litigation.
3. Pro se status required liberal construction of the complaint but did not excuse the plaintiff's failure to allege sufficient facts establishing a recognized legal claim or federal jurisdiction.
4. The complaint was dismissed without prejudice for lack of subject-matter jurisdiction, and the motion for leave to proceed in forma pauperis was deemed moot.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction and lack the power to hear any case that is beyond their subject-matter jurisdiction.” (Opinion and Order, jurisdiction discussion)

“have an independent obligation to determine whether subject-matter jurisdiction exists.” (Opinion and Order, jurisdiction discussion)

“does not relieve the plaintiff of the burden of alleging sufficient facts on which a recognized legal claim could be based.” (Opinion and Order, pro se pleading discussion)

FACTUAL BACKGROUND

Plaintiff alleged that Real Estate Maximus (RE-MAX) committed grand larceny, money laundering, racketeering, and false pretense. His complaint contained only two sentences: one stating that he was a California citizen and another making vague allegations, without factual support, legal theory, requested relief, or a jurisdictional basis. He did not allege the defendant's citizenship or that the amount in controversy exceeded \$75,000.

PROCEDURAL HISTORY

Boone filed a two-sentence complaint alleging grand larceny, money laundering, racketeering, and false pretense, along with a motion to proceed in forma pauperis. Before ruling on the motion, the district court independently considered whether federal-question or diversity jurisdiction existed. Finding no pleaded basis for

subject-matter jurisdiction, the court dismissed the complaint without prejudice and deemed the in forma pauperis motion moot.

DISPOSITION

dismissed

CASES CITED

- Merida Delgado v. Gonzalez, 428 F.3d 916, 919 (10th Cir. 2005)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 89 (1998)
- New Mexicans for Bill Richardson v. Gonzalez, 64 F.3d 1495, 1499 (10th Cir. 1995)
- Renne v. Geary, 501 U.S. 312, 317 (1991)
- McNutt v. General Motors Acceptance Corp. of Indiana, Inc., 298 U.S. 178, 182 (1936)
- Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006)
- Image Software, Inc. v. Reynolds & Reynolds Co., 459 F.3d 1044, 1048 (10th Cir. 2006)
- Tafoya v. U.S. Department of Justice, 748 F.2d 1389, 1390 (10th Cir. 1984)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)

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