

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)

OPINION

Boone

PER CURIAM.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA
DEMOND TRAVELLE BOONE,)
Plaintiff,) v.) Case No. 25-CV-0543-CVE-MTS
REAL ESTATE MAXIMUS (RE-MAX))
Defendant.)

OPINION AND ORDER

Now before the court are plaintiff's complaint (Dkt. # 1) and motion to proceed in forma pauperis (Dkt. #2). Plaintiff Demond Travelle Boone, proceeding pro se, has filed an action against Real Estate Maximus (Re-Max). Dkt. #1, at 1. Plaintiff generally alleges that defendant committed "grand larceny," "money laundering," and "racketeering," but he alleges no facts in support of these allegations. Id. The Court notes that, the day after this case was filed, filing restrictions were entered prohibiting plaintiff from filing additional lawsuits. In Re Demond Travelle Boone, 25-mc-023-JFH, Dkt. #1 (N.D. Okla. Oct. 8, 2025). In this case, the Court will not enforce the filing restrictions for a matter that was filed before the filing restrictions were effective, but the Court

will consider whether it has subject-matter jurisdiction over this case. The Court dismisses plaintiffs claim for lack of subject-matter jurisdiction, and finds that plaintiff's motion to proceed in forma pauperis is moot. Federal courts are courts of limited jurisdiction and lack the power to hear any case that is beyond their subject-matter jurisdiction. *Merida Delgado v. Gonzalez*, 428 F.3d 916, 919 (10th Cir. 2005); *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89 (1998) (defining federal subject- matter jurisdiction as “the courts’ statutory or constitutional power to adjudicate the case”). The party invoking federal jurisdiction bears the burden of “alleg[ing] facts demonstrating the appropriateness of invoking judicial resolution of the dispute.” *New Mexicans for Bill Richardson v. Gonzalez*, 64 F.3d 1495, 1499 (10th Cir. 1995) (citing *Renne v. Geary*, 501 U.S. 312, 317 (1991)); *McNutt v. Gen. Motors Acceptance Corp. of Ind., Inc.*, 298 U.S. 178, 182 (1936). Even if a party has not raised the issue of jurisdiction, federal courts “have an independent obligation to determine whether subject-matter jurisdiction exists.” *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006). A court may raise the issue of subject-matter jurisdiction sua sponte and at any stage of litigation. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006); *Tafoya v. US. Dep’t of Just.*, 748 F.2d 1389, 1390 (10th Cir. 1984) (“Insofar as subject matter Jurisdiction is concerned, it has long been recognized that a federal court must, sua sponte, satisfy itself of its power to adjudicate in every case and at every stage of the proceedings and the court is not bound by the acts or pleadings of the parties.””). Under Federal Rule of Civil Procedure 12(h)(3), if a court raises the issue of subject-matter Jurisdiction and finds that it lacks Jurisdiction, it must dismiss the case. In cases where the proponent of federal subject-matter jurisdiction is proceeding pro se, as plaintiff is here, a court must hold that litigant’s pleadings to “less stringent standards than formal pleadings drafted by lawyers.” *Haines v. Kerner*, 404 U.S. 519, 520 (1972). However, a court is in no position to “ supply additional factual allegations to round out a plaintiff's complaint or construct a legal theory on a plaintiff's behalf.” *Whitney v. New Mexico*, 113 F.3d 1170, 1173-74 (10th Cir. 1997). Put differently, this liberal standard “does not relieve the plaintiff of the burden of alleging sufficient facts on which a recognized legal claim could be based.” *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). Here, plaintiff offers no factual allegations, no theory of liability, and no statement of the Court’s jurisdiction. Plaintiff's complaint consists of two sentences, one that states he is a citizen of California and one that describes vague allegations of “grand larceny” as well as “money laundering” and “false pretense” Dkt. #1, at 1. Although the Court must excuse a pro se litigant’s failure to “cite proper legal authority, . . . confusion of various legal theories, [and] . . . poor syntax and sentence structure,” here plaintiff offers no legal authority, no legal theory, and only two sentences from which the Court is left to discern whether it has the power to hear plaintiff's claim. *Hall*, 935 F.2d at 1110. In his brief complaint, plaintiff does not invoke any federal statute under which a federal question arises. See 28 U.S.C. § 1331. Likewise, plaintiff fails to allege that complete diversity exists among the parties and that the amount in controversy exceeds \$75,000. See 28 U.S.C. § 1332(a). Plaintiff does state that he is a citizen of California. Dkt. # 1, at 1. However, he makes no mention

of defendant's citizenship, nor does he state what relief he seeks, or that it meets the minimum required amount in controversy. Plaintiff has not alleged any basis for the Court to exercise subject-matter jurisdiction over this case, and this case is dismissed for lack of subject-matter jurisdiction. Plaintiff is reminded that he must comply with the filing restrictions imposed against him should he seek to file any future lawsuits. IT IS THEREFORE ORDERED that plaintiff's complaint (Dkt. # 1) is dismissed without prejudice for lack of subject-matter jurisdiction. A separate judgment of dismissal is entered herewith. IT IS FURTHER ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Dkt. # 2) is moot. DATED this 5th day of December, 2025.

CLAIRE V. EAGAN

UNITED STATES DISTRICT JUDGE