

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RICHARD L. WHITE,

Petitioner,

vs.

No. CIV-08-381 WJ/ACT

TERRI WHITE,

Respondent/Movant.

**ORDER DISMISSING COMPLAINT FOR LACK OF
SUBJECT MATTER JURISDICTION**


The Court, *sua sponte*, hereby dismisses the above-captioned cause for lack of subject matter jurisdiction.

Federal courts have an independent obligation to determine whether subject matter jurisdiction exists, even in the absence of a challenge from any party. See Arbaugh v. Y & H Corp., 546 U.S. 500, 514, 126 S. Ct. 1235, 1240 (2006). Accordingly, a federal court may *sua sponte* raise the question of whether there is subject matter jurisdiction at any stage in the litigation. Id.

On April 11, 2008, Terri White, acting *pro se*, initiated the above-captioned case in this Court by filing a Notice of Removal whereby Ms. White sought to remove to federal court her pending state court divorce action. In contrast to this court's limited jurisdiction, the Second Judicial District Court is a court of general jurisdiction and based on the Constitution of the State of New Mexico and the domestic relations laws of the State of New Mexico, the Second Judicial

District Court is the court with subject matter jurisdiction over Terri White's state court divorce action and is the court with jurisdiction to hear child custody and support issues. Stated another way, the United States District Court for the District of New Mexico has no subject matter jurisdiction whatsoever to consider any issues pertaining to Terri White's pending divorce action. There being no subject matter jurisdiction in this court, the above-captioned case must be dismissed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the above-captioned case is hereby dismissed for lack of subject matter jurisdiction.



UNITED STATES DISTRICT JUDGE