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IN The UNITED STATES SUPREME COURT

Chang, Uoy Meng

Appellant; Plaintiff

Federal Appeal Court for

VS

The District of Colorado State

Case number 24-1195

David Rout of Murphy Center LLC of

(D.C. NO. 1:24-CV-00187-PAB)

Home Ward Alliance INC

(D. COLO.)

Defendant

EX PARTE APPLARATION AND DECLARATION

APPLICATION NOTICE APPEAL

FOR ORDER EXTENING TIME TO APRIL 11 2025.

Plaintiff and Appellant, CHANG, UOY MENG hereby applies to the above-entitle court for and order, pursuant to 13(5) of the SUPREME Court extending until and including April 11 2025 the time within which plaintiff and appellant may request Relief from Default and Extension of time.

Also Pursuant Federal Rule 26(f). For Extension of time.
Dated January 15 2025

By Plaintiff; Chang, Uoy M eng.

DECLARATION

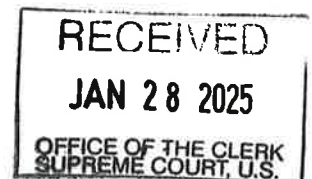
I; Chang, Uoy Meng; declare:

1. I am the plaintiff in this case.
2. In the absence of an order extending of time, the Request Relief from Default would have to be on April 11 2025.
3. Plaintiff request for Relief from Default be extended to April 11 2025.
4. The reason more time is need that to find the Rule of Appeal at The US Supreme. The clerk told the Appellant, that is different appeal Rule from the lower court, Also Default by the Administration of Federal court for the district of Colorado, who gave false information to the Appellant for lost time to filed at the above Department.
5. In thirty days, I will notify Mr. David Rout of Murphy Center LLC. For the defendants, and respondent, by the mail or email to notify.
6. I Declare under penalty of perjury under the law of the federal. That the foregoing is true and correct.

Date January 16, 2025

Appellant; Chang, Uoy Meng

Chang Uoy Meng



United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

October 31, 2024

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

MENG UOY CHANG,

Plaintiff - Appellant,

v.

DAVID ROUT; HOMEWARD
ALLIANCE INC.; MURPHY
CENTER LLC; WILLIAM EUGENE
GILMORE, JR.,

Defendants - Appellees.

No. 24-1195
(D.C. No. 1:24-CV-00187-PAB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **MATHESON, BACHARACH,** and **McHUGH,** Circuit Judges.

In a federal complaint, the plaintiff must allege a basis for federal jurisdiction. Fed. R. Civ. P. 8(a)(1). So when Mr. Meng Uoy Chang sued, he needed to say in the complaint why jurisdiction existed. Jurisdiction

* Oral argument would not help us decide the appeal, so we have decided the appeal based on the record and Mr. Chang's appeal brief. *See* Fed. R. App. P. 34(a)(2)(C); 10th Cir. R. 34.1(G).

This order and judgment does not constitute binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel. But the order and judgment may be cited for its persuasive value if otherwise appropriate. *See* Fed. R. App. P. 32.1(a); 10th Cir. R. 32.1(A).

might exist based either on diversity of citizenship or the presence of a federal question. 28 U.S.C. §§ 1331–32. But the complaint didn't address either possibility.¹

So the district court ordered Mr. Chang to say why jurisdiction existed. He obtained extra time, and the court again ordered Mr. Chang to say why jurisdiction existed. This time, Mr. Chang did respond, insisting that he had alleged enough in damages to trigger jurisdiction. But he didn't say anything to suggest diversity of citizenship or the presence of a federal question. So the district court dismissed the action without prejudice for lack of jurisdiction.

On appeal, Mr. Chang needed to say why the district court had been wrong in its jurisdictional ruling. *See Nixon v. City & Cnty. of Denver*, 784 F.3d 1364, 1366 (10th Cir. 2015). But Mr. Chang hasn't said why the district court was wrong. He does say that he showed the required amount in controversy, but the court didn't dismiss the action based on the amount

¹ For diversity of citizenship, the plaintiff can't share citizenship with any of the defendants. *Grynberg v. Kinder Morgan Energy Partners, L.P.*, 805 F.3d 901, 905 (10th Cir. 2015). But Mr. Chang stated that he and one of the other defendants were citizens of Colorado. This statement would have defeated diversity jurisdiction irrespective of citizenship for the remaining defendants.

in controversy. Because Mr. Chang hasn't identified a flaw in the ruling, we affirm the dismissal.

Entered for the Court

Robert E. Bacharach
Circuit Judge

**Additional material
from this filing is
available in the
Clerk's Office.**