

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CENTER FOR JUDICIAL  
ACCOUNTABILITY, INC.; ELENA RUTH  
SASSOWER,

*Plaintiffs,*

v.

LEGESLATIVE CORRESPONDENTS'  
ASSOCIATION, et al.,

*Defendants.*

No. 25-CV-8370 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

On November 13, 2025 this Court ordered the Center for Judicial Accountability (“CJA”) and Elena Ruth Sassower (“Sassower”) (collectively “Plaintiffs”) to show cause as to why their Complaint should not be dismissed for lack of subject matter jurisdiction (“November 13 Order”). (See Dkt. No. 8.) On November 19, 2025 Plaintiff Sassower wrote to the Court with three questions regarding the Order, each of which are addressed below.

I. Sua Sponte Inquiries into Subject Matter Jurisdiction

Plaintiff Sassower first questions the procedural validity of the Court’s November 13 Order and accuses the Court of “dispens[ing] with the Federal Rules of Civil Procedure and the adversarial process by *sua sponte* ordering a plaintiff to defend subject matter jurisdiction of a complaint that has not yet been served upon defendants.” (See Dkt. No. 9 at 1, 3.) Rest assured, this Court is both procedurally able and constitutionally required to make such inquiries.

Under Supreme Court case law, courts “are obliged to inquire sua sponte whenever a doubt arises as to the existence of federal jurisdiction.” *Mt. Healthy City School Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 278 (1977) (citing *Liberty Mutual Ins. Co. v. Wetzel*, 424 U.S. 737,

740 (1976); *Louisville & Nashville R. Co. v. Mottley*, 211 U.S. 149, 152 (1908)). It is of no consequence that Defendants in this Action have not yet been served because federal “[c]ourts, including this Court, have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (citing *Ruhrgas AG v. Marathon Oil Corp.*, 526 U.S. 574, 583 (1999)). “Without jurisdiction [a] court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the case.” *Ex parte McCardle*, 74 U.S. 506, 514 (1868); accord *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998) (same); see also *In re Gucci*, 126 F.3d 380, 387–88 (2d Cir. 1997) (“Whether a claimant has standing is the threshold question in every federal case, determining the power of the court to entertain the suit.”)

The Federal Rules of Civil Procedure also recognize this obligation. Under Rule 12(h)(3), “[i]f a court determines at *any time* that it lacks subject-matter jurisdiction, it *must* dismiss the action.” *Id.* (emphases added); see *Gonzalez v. Ocwen Home Loan Servicing*, 74 F. Supp. 3d 504, 510–18 (D. Conn. 2015), *affirmed sub nom Gonzalez v. Deutsche Bank Nat. Trust Co.*, 632 F. App’x 32 (2d Cir. 2016) (dismissing a case sua sponte under Rule 12(h)(3) for lack of subject matter jurisdiction). For the foregoing reasons, Plaintiffs must comply with the Court’s November 13 Order or risk having their Complaint dismissed.

## II. CJA’s Lack of Legal Representation

Plaintiff Sassower also asserts that she is not seeking to litigate on behalf of CJA and admits CJA is currently unrepresented and seeking counsel. (Dkt. No. 9 at 2.) This admission further calls into question the validity of CJA’s participation in this Action.

Federal Rule of Civil Procedure 11(a) requires that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name—or by a party

personally if the party is unrepresented[.]. . .[and] [t]he [C]ourt *must* strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention." (emphasis added). However, no one representing CJA signed the Amended Complaint in this Action, so the Complaint is procedurally defective as to CJA's claims. (*See* Am. Compl. at 85–86 (Dkt. No. 6).)

It is well established that a corporation or other artificial entity cannot proceed pro se in federal court. *See Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201–02 (1993) ("It has been the law for the better part of two centuries that a corporation may appear in the federal courts only through licensed counsel.") Because no licensed attorney signed the Complaint on CJA's behalf, the Amended Complaint as currently filed violates Federal Rule of Civil Procedure 11(a) vis-à-vis CJA. Now that CJA has been notified of this deficiency, it must promptly correct this error by obtaining counsel and refile the Complaint with counsel's signature, or its claims will be struck. *See, e.g., Brand v. AIG Insurance Co.*, No. 15-CV-6286, 2017 WL 10398480, at \*2 (E.D.N.Y. Mar. 16, 2017) (dismissing a corporate plaintiff's claims after it failed to appear with counsel within thirty days of notification of its Rule 11(a) violation).

### III. Assignment of Pro Se Cases under the Local Rules of the Court

Lastly, Plaintiff Sassower requests to know "whether this case was randomly assigned to [this Court] 'by lot' or steered to it by Southern District Chief Judge Laura Taylor Swain" who she accuses of initially "commandeer[ing] the case to herself[.]" (Dkt. No. 9 at 3.) Contrary to Plaintiff Sassower's belief, Chief Judge Swain did not "commandeer" this Action. Under Rule 1 of this Court's Rules for Division of Business Among District Judges, "[t]here shall be assigned or transferred to the chief judge such matters as the chief judge is willing and able to undertake, consistent with the [C]hief [J]udge's administrative duties." Pursuant to this Rule, it is the

general practice that all pro se cases filed in this District are initially assigned to the Chief Judge until plaintiff pays the requisite filing fee or submits an IFP application. Once the filing fee has been paid, pro se cases are assigned by lot to a district judge pursuant to the procedure outlined in Rule 4 of this Court's Rules for Division of Business Among District Judges. As evidenced by the docket in this Action, this is the exact procedure applied to Plaintiff's case.

Accordingly, it is hereby:

ORDERED that Plaintiffs comply with this Court's November 13 Order and show cause, by no later than December 19, 2025, as to why their claims should not be dismissed for lack of subject matter jurisdiction.

It is also ORDERED that CJA appear with counsel and refile the Amended Complaint with counsel's signature by no later than January 5, 2026. Failure to do so will result in its claims being struck from the Complaint pursuant to Federal Rule of Civil Procedure 11(a).

SO ORDERED.

DATED: December 5, 2025  
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', is written over a horizontal line.

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KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE