

JUN - 4 2025

DONNA McQUALITY, Clerk
By: E DENISON

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Eli Dalton-Webb,

No. CV-25-08107-PCT-MTL

10 Plaintiff,

ORDER

11 v.

12 City of Prescott, et al.,

13 Defendants.
14

15 This matter is before the Court *sua sponte* and pursuant to its independent obligation
16 to assess whether subject matter jurisdiction exists. *Hertz Corp. v. Friend*, 559 U.S. 77, 94
17 (2010).

18 I.

19 Plaintiff Eli Dalton-Webb filed a complaint in the Arizona Superior Court in
20 Yavapai County on April 21, 2025. (Doc. 1-1.) Therein, he asserts civil rights violations
21 under the Arizona Constitution and purported violations of A.R.S. § 32-1101.01. (*Id.*) On
22 May 29, 2025, Defendant City of Prescott removed to this Court on the basis of federal
23 question jurisdiction. (Doc. 1.)

24 Plaintiff alleges his “Fourth Amendment rights were taken from him through
25 Article 2 Section 3 of the Arizona Constitution.”* (Doc. 1-1 at 5.) Further in his complaint,
26 Plaintiff states he “makes a 9th amendment claim through Article 2 § 3 of the Arizona
27

28 * Article 2, Section 3 provides, as relevant here, “The Constitution of the United States is the supreme law of the land to which all government, state and federal, is subject.” Ariz. Const. art. II, § 3(a).

1 Constitution.” (*Id.* at 26 n.6.) And yet, Plaintiff repeatedly explains that he is not making a
2 direct federal claim, but rather asserting his federal constitutional rights under Article 2,
3 Section 3 of the Arizona Constitution. (*Id.* at 5, 22, 26.) Plaintiff further alleges that
4 “[n]othing in this complaint shall be construed as any direct federal claims.” (*Id.* at 26.)

5 In its Notice of Removal, Defendant argues Plaintiff’s complaint, as “liberally
6 construed, alleges Fourth and Ninth Amendment claims either directly, or through some
7 indirect legal analysis” because “Art. 2, § 3 does not confer any separate, substantive rights
8 upon Arizona citizens.” (Doc. 1 at 2 n.1.) Defendant contends that as a result, Plaintiff’s
9 attempt to mask his substantively federal claims as state law claims is futile. (*Id.*)

10 II.

11 Federal courts are courts of limited jurisdiction, possessing “only that power
12 authorized by Constitution and statute.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511
13 U.S. 375, 377 (1994). As such, federal courts “have an independent obligation to determine
14 whether subject-matter jurisdiction exists, even when no party challenges it.” *Hertz Corp.*,
15 559 U.S. at 94. A federal court, therefore, “may dismiss *sua sponte* if jurisdiction is
16 lacking.” *Fiedler v. Clark*, 714 F.2d 77, 78-79 (9th Cir. 1983); *see* Fed. R. Civ. P. 12(h)(3)
17 (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must
18 dismiss the action.”).

19 Federal question jurisdiction is set forth in 28 U.S.C. § 1331 and grants federal
20 courts jurisdiction to hear cases arising under the Constitution and federal law. The
21 “presence or absence of federal question jurisdiction is governed by the ‘well pleaded
22 complaint rule,’ which provides that federal jurisdiction exists only when a federal question
23 is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v.*
24 *Williams*, 482 U.S. 386, 392 (1987). Diversity jurisdiction is found in 28 U.S.C. § 1332,
25 and grants courts authority to hear cases arising under state law only where there is
26 complete diversity of the parties, and the statutory amount-in-controversy (over \$75,000)
27 is satisfied. 28 U.S.C. § 1332(a)(1). This means that no defendant can be a resident of the
28 same state as any plaintiff. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 373

1 (1978).

2 On review of the jurisdictional allegations of the complaint, the Court finds that this
3 action must be dismissed for lack of subject matter jurisdiction. *See Scholastic Ent., Inc. v.*
4 *Fox Ent. Grp., Inc.*, 336 F.3d 982, 985 (9th Cir. 2003) (District court may *sua sponte*
5 dismiss an action for lack of subject matter jurisdiction without notice and an opportunity
6 to respond.). Diversity jurisdiction is not satisfied, as Plaintiff and Defendant are both
7 considered residents of Arizona. (Doc. 1-1 at 1.)

8 There is also no federal question jurisdiction, as Plaintiff does not assert claims
9 arising under the Constitution or federal law. Plaintiff alleges Fourth and Ninth
10 Amendment violations exclusively through the Arizona constitution. (*See generally* Doc.
11 1-1.) Although Plaintiff's legal theory may ultimately fail, the Court cannot construe
12 Plaintiff's complaint as alleging federal claims where Plaintiff repeatedly indicates his
13 intent to accomplish the opposite. As the United States Supreme Court recently recognized,
14 "[t]he plaintiff is 'the master of the complaint'" and "gets to determine which substantive
15 claims to bring against which defendants," thereby "establish[ing]—or not—the basis for
16 a federal court's subject matter jurisdiction." *Royal Canin U. S. A., Inc. v. Wullschleger*,
17 604 U.S. 22, 35 (2025) (citation omitted). As master of his complaint, Plaintiff elected to
18 raise only state law claims against Defendants, thereby depriving this Court of subject
19 matter jurisdiction. The Court will not reinterpret the complaint in a manner to obstruct
20 Plaintiff's deliberate choice.

21 **III.**

22 Because subject matter jurisdiction is lacking, the Court must remand the case to
23 the Arizona Superior Court in Yavapai County. *See* 28 U.S.C. § 1447(c) ("If at any time
24 before final judgment it appears that the district court lacks subject matter jurisdiction, the
25 case shall be remanded.").

26 Accordingly,

27 **IT IS ORDERED** directing the Clerk of Court to remand this case back to the
28 Arizona Superior Court in Yavapai County.

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IT IS FURTHER ORDERED that Defendant's Motion for an Extension (Doc. 7) is denied as moot.

IT IS FINALLY ORDERED directing the Clerk of Court to close this case.

Dated this 30th day of May, 2025.

Michael T. Liburdi

Michael T. Liburdi
United States District Judge

I hereby attest and certify on June 2, 2025
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my custody.

**CLERK, U.S. DISTRICT COURT
DISTRICT OF ARIZONA**

By [Signature] **DRAY**

DEBRA D. LUCAS
District Court Executive/Clerk of Court
Sandra Day O'Connor U. S. Courthouse
Suite 130
401 West Washington Street, SPC 1
Phoenix, Arizona 85003-2118

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
OFFICE OF THE CLERK**



LENORE BENOIT
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Sandra Day O'Connor U. S. Courthouse
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Phoenix, Arizona 85003-2118

June 2, 2025

Clerk's Office
Yavapai County Superior Court
120 South Cortez St
Prescott, AZ 86303

ATTN: Civil File Counter

RE: REMAND TO YAVAPAI COUNTY SUPERIOR COURT

District Court Case Number: CV-25-08107-PCT-MTL

Superior Court Case Number: S1300CV202500445

Dear Clerk of Court:

Enclosed is a certified copy of the Order entered in this Court on June 2, 2025, remanding the above case to Yavapai County Superior Court in the State of Arizona.

Sincerely,

Debra D. Lucas, DCE/Clerk of Court

s/ K. Gray
Deputy Clerk

cc: All Counsel of Record

PLEASE ACKNOWLEDGE RECEIPT OF THIS DOCUMENT AND RETURN IN THE ENVELOPE PROVIDED

Received By: _____ Dated: _____