

1 NOT FOR PUBLICATION  
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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 David Watson,

10 Plaintiff,

11 v.

12 Mike Ives, *et al.*,

13 Defendants.  
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No. CV-17-01906-PHX-JJT

**ORDER**

15 At issue are *pro se* Plaintiff David Watson’s Complaint (Doc. 1) and Amended  
16 Complaint (Doc. 4). For the reasons that follow, the Court will dismiss Plaintiff’s  
17 Complaints with leave to refile in accordance with the Federal Rules of Civil Procedure  
18 and the Local Rules.

19 Plaintiff’s Complaints (Docs. 1, 4) apparently attempt to raise a claim of trespass  
20 against ten Defendants, none of whom are identified by anything other than their names.  
21 The Complaints provide no basis for the Court to determine if it has subject matter  
22 jurisdiction over this case.

23 Unlike state courts, federal courts—including this Court—only have jurisdiction  
24 over a limited number of cases, and those cases typically involve either a controversy  
25 between citizens of different states (“diversity jurisdiction”) or a question of federal law  
26 (“federal question jurisdiction”). *See* 28 U.S.C. §§ 1331, 1332. The United States  
27 Supreme Court has stated that a federal court must not disregard or evade the limits on its  
28 subject matter jurisdiction. *Owen Equip. & Erections Co. v. Kroger*, 437 U.S. 365, 374

1 (1978). Thus, a federal court is obligated to inquire into its subject matter jurisdiction in  
2 each case and to dismiss a case when subject matter jurisdiction is lacking. *See Valdez v.*  
3 *Allstate Ins. Co.*, 372 F.3d 1115, 1116 (9th Cir. 2004); Fed. R. Civ. P. 12(h)(3).

4 Federal Rule of Civil Procedure 8(a) provides that a complaint must include “a  
5 short and plain statement of the grounds for the court’s jurisdiction” and “a short and  
6 plain statement of the claim showing that the pleader is entitled to relief.” In other words,  
7 to proceed in federal court, a plaintiff must allege enough in the complaint for the court to  
8 conclude it has subject matter jurisdiction. *See Charles Alan Wright & Arthur R. Miller,*  
9 *5 Fed. Practice & Procedure* § 1206 (3d ed. 2014). The complaint must also contain  
10 “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its  
11 face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*,  
12 550 U.S. 544, 570 (2007)).

13 Plaintiff’s Complaints lack any statement of the grounds for this Court’s subject  
14 matter jurisdiction, as required by Rule 8(a). This defect alone is cause for the Court to  
15 dismiss the Complaints. *See Watson v. Chessman*, 362 F. Supp. 2d 1190, 1194 (S.D. Cal.  
16 2005).

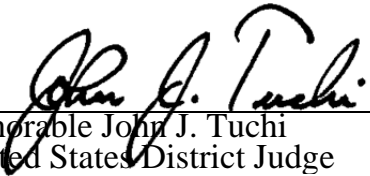
17 Plaintiff also fails to meet the Rule 8 requirements with regard to stating a claim.  
18 While Plaintiff alleges that Defendants trespassed upon his property, he does not allege  
19 who Defendants are or what they did that constituted trespass, let alone a legal basis for a  
20 claim against Defendants.

21 If a defective complaint can be cured, the plaintiff is entitled to amend the complaint  
22 before the action is dismissed. *Lopez v. Smith*, 203 F.3d 1122, 1127–30 (9th Cir. 2000).  
23 Here, the Court will give Plaintiff an opportunity to amend his Complaint and Amended  
24 Complaint, but any Second Amended Complaint must meet the requirements of the Federal  
25 Rules of Civil Procedure and the Local Rules, as indicated above.

26 IT IS THEREFORE ORDERED that Plaintiff’s Complaint (Doc. 1) and Amended  
27 Complaint (Doc. 4) are dismissed with permission to file a Second Amended Complaint by  
28 July 10, 2017.

1 IT IS FURTHER ORDERED that if Plaintiff does not file a Second Amended  
2 Complaint by July 10, 2017, the Clerk shall dismiss this action without further Order of  
3 this Court.

4 Dated this 27th day of June, 2017.

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8 Honorable John J. Tuchi  
9 United States District Judge  
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