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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Cottonflower Goodyear Community Association, Inc.,

Plaintiff,

v.

Malik Bey, et al.,

Defendant.

No. CV15-01100-PHX-DGC

ORDER

Defendant Malik Bey, also apparently known as Walter Edward King, removed this case from Maricopa County Superior Court. Doc. 1. The Court will remand the case for lack of diversity jurisdiction.

I. Background.

Defendant, who claims to be a “non resident alien and foreign sovereign on the land of this Republic by birthright and heritage” (Doc. 1 at 4), asserts that he is the owner of the various entities named as Defendants in this case. He asserts that this case was filed in Maricopa County Superior Court in 2013, a default judgment was wrongly entered in 2014, and the Maricopa County Sheriff is about to sell his property. Id. at 2-4. He filed a notice of removal and seeks immediate injunctive relief.

II. Legal Standard.

Pursuant to 28 U.S.C. § 1441(a), district courts have removal jurisdiction over any claim that originally could have been brought in federal court. Hall v. N. Am. Van Lines, Inc., 476 F.3d 683, 686-87 (9th Cir. 2007). The removal statute is strictly construed

1 against removal jurisdiction. Id. (citing Emrich v. Touche Ross & Co., 846 F.2d 1190,
2 1195 (9th Cir. 1988)). There is a “strong presumption” against removal jurisdiction, and
3 federal jurisdiction must be rejected if there is any doubt as to the right of removal in the
4 first instance. Id.

5 III. Discussion.

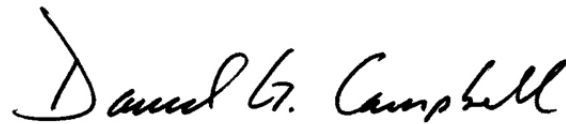
6 Defendant removed this case to federal court based on diversity jurisdiction. Doc.
7 1 at 4. In order to invoke the Court’s diversity jurisdiction, Defendant must show that
8 Defendants and Plaintiff are not residents of the same state. See 28 U.S.C. § 1332.

9 Defendant alleges that he is a foreign sovereign, but notes in the address block of
10 his filing that he resides “In care of [2267 south 173rd Drive]” in “Maricopa county
11 Arizona Republic near [Goodyear] zip exempt.” Doc. 1 at 1. This address – 2267 south
12 173rd Drive, Goodyear, Arizona – is the same street address as the property at issue in
13 the underlying lawsuit. Doc. 1-1 at 2.

14 Defendant thus resides in Arizona, and Plaintiff is an Arizona non-profit
15 corporation. Doc. 1-1 at 1. Because Defendant and Plaintiff are both Arizona residents,
16 the Court lacks diversity jurisdiction, removal was improper, and this case will be
17 remanded to Maricopa County Superior Court.

18 IT IS ORDERED that the Clerk shall remand this action to Maricopa County
19 Superior Court.

20 Dated this 18th day of June, 2015.

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David G. Campbell
27 United States District Judge
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