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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Nicole McGill,

10 Plaintiff,

11 v.

12 Dalal Boraby,

13 Defendant.
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No. CV-17-1115-PHX-DKD

ORDER

15 This Order addresses Plaintiff's request to proceed without the prepayment of fees
16 because of her indigency, as well as the complaint Plaintiff filed on April 14, 2017.

17 In every case where a Plaintiff seeks to file a case without the prepayment of fees
18 the Court is required to analyze plaintiff's complaint to determine whether that complaint
19 should be dismissed because it is not a case that is properly brought in federal court. 28
20 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's complaint appears to allege a dispute regarding a
21 rental agreement. The Plaintiff complains that she and Defendant had a "verbal
22 agreement starting September 1, 2016 pril [sic] 24, 2017 however, the Defendant
23 obtained a Personal Protection Order under false pretenses to illegally evict me after rent
24 was paid". Plaintiff states that this Court has jurisdiction pursuant to Defamation of
25 Character and illegal eviction "§§ Morris v. Warner, 160 Ariz. 55, 62".

26 Plaintiff should understand that the federal courts of the United States are courts of
27 limited jurisdiction and only matters that are authorized under the Constitution or laws of
28 the United States may be brought in federal court, which is, again, a court of *limited*

1 jurisdiction. Most matters are properly heard in state courts which are courts of *general*
2 jurisdiction. Claims for a roommate rental agreement dispute and/or a disagreement over
3 a state issued order of protection perhaps may be asserted by appeal to a higher state
4 court or under a challenge based on state law in state court. The Court's review of
5 Plaintiff's complaints show no basis for federal court jurisdiction.

6 If there is federal jurisdiction for this case, Plaintiff's complaint must show that
7 this is so. The Federal Rules of Civil Procedure (available on-line or in any public
8 library) require that Plaintiff's complaint must contain "a short and plain statement of the
9 grounds for the court's jurisdiction." Federal Rule of Civil Procedure 8(a)(1). Federal
10 court jurisdiction is limited to matters arising under the constitution and laws of the
11 United States (this is called "federal question" jurisdiction) or cases where citizens of
12 different states are the plaintiff and defendant and the amount in controversy exceeds
13 \$75,000 (this is called "diversity jurisdiction"). If Plaintiff contends that federal question
14 jurisdiction exists, Plaintiff must specifically state which Constitutional provision or
15 federal statute confers such jurisdiction. A general or non-specific reference to the
16 Constitution or laws of the United is insufficient.

17 To provide Plaintiff with the opportunity to allege federal court jurisdiction if
18 Plaintiff thinks it exists, the Court will grant Plaintiff leave to file an amended complaint.
19 Any amended complaint must comply with Federal Rule of Civil Procedure 8(a) and
20 therefore must satisfy the jurisdictional showing discussed above as well as set forth "a
21 short and plain statement of the claim showing that [Plaintiff] is entitled to relief."
22 Federal Rule of Civil Procedure 8(a)(2). If asserting federal question jurisdiction,
23 Plaintiff must take care to set forth specifically which federal statute or provision of the
24 U.S. Constitution was violated by the defendant.

25 **IT IS HEREBY ORDERED** that Plaintiff shall file an amended complaint
26 complying with this Order within twenty-one (21) days of the date of this Order. The
27 Court will hold in abeyance its ruling on Plaintiff's request to proceed without the
28 prepayment of fees and costs until after it has had the opportunity to review Plaintiff's

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amended complaint. Plaintiff is advised that failure to comply with this Order may result in the dismissal of this matter.

Dated this 20th day of April, 2017.



David K. Duncan
United States Magistrate Judge