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NOT FOR PUBLICATION

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
89 Kim Noreen Larsen,
10 Plaintiff,

No. CV-16-08191-PCT-JJT

ORDER

11 v.

12 United Parcel Service, *et al.*,
13 Defendants.
1415 At issue are *pro se* Plaintiff Kim Noreen Larsen's Amended Complaint (Doc. 7,
16 Am. Compl.) and "Motion Regarding Rule 4(d) Waiving Service" (Doc. 8).17 The Court previously granted Plaintiff's Application for Leave to Proceed *In Forma*
18 *Pauperis* (Doc. 3) but dismissed Plaintiff's Complaint (Doc. 1) under 28 U.S.C.
19 § 1915(e)(2) for failing to comply with Federal Rules of Civil Procedure 8 and 10(b).
20 (Doc. 6.) The Court afforded Plaintiff 30 days to file an Amended Complaint complying
21 with those rules. Plaintiff filed her Amended Complaint within 30 days on September 30,
22 2016. (Doc. 7.)23 However, upon review of Plaintiff's Amended Complaint, the Court finds that it
24 remains unclear that the requisite amount in controversy has been met. "[A] federal court
25 has subject matter jurisdiction unless upon the face of the complaint, it is obvious that the
26 suit cannot involve the necessary amount." *Geographic Expeditions, Inc. v. Estate of*
27 *Lhotka ex rel. Lhotka*, 599 F.3d 1102, 1106 (9th Cir. 2010) (internal quotation marks
28 omitted). While Plaintiff provided exhibits attesting to the cost of training service animals

1 and the specific training involved (Am. Compl., Exs. 1-2), neither exhibit illustrates an
2 amount in controversy above \$30,000. This does not meet the \$75,000 benchmark
3 required to confer federal jurisdiction. Further, attestations regarding the value of a
4 service animal at \$30,000 do little to substantiate the \$5.5 million in damages Plaintiff
5 seeks. *See, e.g., Roger v. Apartment Mgmt. Consultants, LLC*, No. 2:13-CV-01646-APG,
6 2013 WL 6693485, at *3 n.3 (D. Nev. Sept. 17, 2013) (noting that while *pro se* plaintiff's
7 complaint alleged \$6.9 million in compensatory and punitive damages for what was
8 "essentially a landlord-tenant dispute involving a \$150.00 deposit, \$1,205.00 in monthly
9 rent, and an allegedly uninhabitable apartment," those damages did not meet the
10 jurisdictional amount). Although Plaintiff may be able to bring her claim in state court
11 without satisfying these federal jurisdictional requirements, the Amended Complaint does
12 not reasonably allege an amount in controversy that would confer diversity jurisdiction
13 on this Court. The Court will dismiss Plaintiff's Amended Complaint but afford Plaintiff
14 one final opportunity to provide a basis for damages that meet the Court's jurisdictional
15 requirement.

16 Because Plaintiff's Amended Complaint is dismissed for failure to comply with
17 the Federal Rules of Civil Procedure, Plaintiff's "Motion Regarding Rule 4(d) Waiving
18 Service" is moot.

19 **IT IS THEREFORE ORDERED** dismissing Plaintiff's Amended Complaint
20 (Doc. 7).

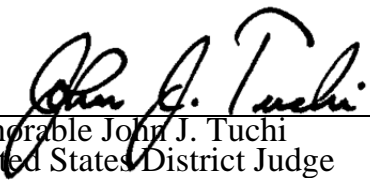
21 **IT IS FURTHER ORDERED** that Plaintiff may file a Second Amended
22 Complaint that complies with the Federal Rules of Civil Procedure and demonstrates an
23 ability to meet the requisite amount in controversy no later than 30 days from the date of
24 this Order. If no Second Amended Complaint is timely filed, the Clerk shall dismiss this
25 action without further Order of the Court.

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IT IS FURTHER ORDERED denying Plaintiff's "Motion Regarding Rule 4(d)
Waiving Service (Doc. 8) as moot.

Dated this 9th day of November, 2016.



Honorable John J. Tuchi
United States District Judge