

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

JOETTA DAVIS

PLAINTIFF

v.

No. 5:17-cv-82-DPM

VALTINE DAVIS JOHNSON, Husband;
RICHARD JOHNSON; RITA ELLIS,
Power of Attorney for Sarah G. Davis (Deceased);
SARAH ANN DAVIS; and
JERUSHA DAVIS HOBBS, Neighbor

DEFENDANTS

ORDER

1. The Court appreciates the additional information from Davis about her finances. The Court directs the Clerk to amend the docket: *No* 9 is a response, not an answer—though the Court did ask questions, and understands why Davis titled her responding document as an answer. Davis has some income, some assets, and, of course, bills. She could probably pay the filing fee over time.

2. But the Court lacks subject matter jurisdiction over the dispute. Several of the people from whom Davis seeks relief are Arkansawyers, as she is. There must be complete diversity among all parties for the Court to proceed under 28 U.S.C. § 1332; *OnePoint Solutions, LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007). (Davis can't avoid this rule of law by suing fellow

Arkansawyers but calling them accomplices. If Davis wants money from them for their actions, and she does, *No 2-4 at 6*, then all these folks are defendants.) And the Court does not see a question of federal law. This is a family dispute about real and personal property in Jefferson County. On the facts Davis alleges, the dispute turns on state law, not the U.S. Constitution or a federal statute. So the Court can't proceed under 28 U.S.C. § 1331.

* * *

The complaint will be dismissed without prejudice for lack of jurisdiction. Motion, *No 1*, denied as moot.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

17 May 2017