

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DAVID STEBBINS

PLAINTIFF

v.

Case No. 3:11-CV-03025

NET-ARB, INC.

DEFENDANT

O R D E R

On this 3rd day of May 2011, there comes on for consideration the Report and Recommendations (Doc. 4) filed in this case on April 14, 2011, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. Also before the Court are Plaintiff's objections (Doc. 5).

The court has reviewed this case and, being well and sufficiently advised, finds as follows: Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation. Plaintiff Stebbins objects to the recommendation that his Complaint be dismissed for lack of jurisdiction. Stebbins does not challenge the conclusion that the Court lacks diversity jurisdiction. Instead, Stebbins argues that this Court has federal question jurisdiction under the Federal Arbitration Act, 9 U.S.C. § 2, ("FAA"). However, as the report and recommendation correctly points out, the FAA "does not itself bestow jurisdiction; [i]nstead there must be an independent jurisdictional base." (Doc. 4 at page 2) (citing *Hall St. Assocs, LLC v. Mattel, Inc.*, 552 U.S. 576 (2008)). Under the FAA, a federal district court has jurisdiction to order arbitration in cases which, save for the arbitration

agreement, it would otherwise have jurisdiction over the underlying dispute. 9 U.S.C. § 4.

First, Stebbins does not appear to be seeking enforcement of an arbitration clause under the FAA. Instead, his claims seem to arise out of breach of contract. Second, Stebbins has alleged no facts upon which this Court could establish jurisdiction over the underlying dispute, such that it could exercise jurisdiction over any claims brought under the FAA. Specifically, Stebbins has not properly addressed the citizenship of Defendant nor has Stebbins alleged damages sufficient to meet the threshold requirement for amount in controversy. The Court cannot and does not have federal question jurisdiction based on the FAA alone. No other basis for jurisdiction in this Court exists. Therefore, the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY.**

Accordingly, for the reasons stated herein and in the Magistrate Judge's Report and Recommendation, the instant Complaint is **DISMISSED WITH PREJUDICE.**

Any and all pending motions are hereby **DENIED AS MOOT.**

IT IS SO ORDERED this 3rd day of May 2011.

/s/ Paul K. Holmes, III
Paul K. Holmes, III
United States District Judge