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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

LA TOYA HICKS,  
Plaintiff,

vs.

LOS ANGELES POLICE  
DEPARTMENT PACIFIC  
DIVISION, POLICE OFFICER  
MALDONADO SERIAL NO. 40828,  
POLICE OFFICER WEBBER  
SERIAL NO. 38219, POLICE  
OFFICER ISIDE SERIAL NO.  
40482, POLICE OFFICER  
WATKINS SERIAL NO. 38073,  
SGT. GURA SERIAL NO. 33763,  
THOMAS ENNIS, STEVEN L.  
MATILLA, ERA MATILLA  
REALTY, MATILLA REALTY  
INC., THOMAS CORTE, ENNIS  
TRUST #2, ENNIS G THOMAS TR  
ENNIS CHILDREN TRUST 2, NS  
WASH, NS WASH  
CORPORATION, DANA WRIGHT,  
RYAN LEE,  
Defendants.

**CASE NO.: CV13-01596 R (PLAx)**

Complaint filed: March 6, 2013

*Hon. Judge Manuel L. Real  
Courtroom 8*

**ORDER OF DISMISSAL**

On May 13, 2013, this Court held an Order to Show Cause Hearing regarding why this action should not be dismissed for lack of federal jurisdiction. Deputy City Attorney Richard M. Arias appeared for defendants, Gino P. Pieto appeared for plaintiff.

1 The Court reasoned and ruled as follows:

2 1. On the face of the complaint, the only arguable basis for invoking the  
3 jurisdiction of this Court is federal question jurisdiction. 28 U.S.C. Section 1331.

4 2. To invoke the Court's federal question jurisdiction, plaintiff's claim must  
5 arise out of the Constitution, laws, or treaties of the United States. 28 U.S.C. Section  
6 1331.

7 3. While it is true the Court has jurisdiction to hear cases involving alleged  
8 violations of the Constitution, this Court does not have jurisdiction to entertain an action  
9 merely because the complaint makes some reference to violations of the Fourth and  
10 Fourteenth Amendments – the right or immunity created by the Constitution must be an  
11 element, and an essential one, of the plaintiff's claim. *Gally v. First National Bank*, 299  
12 U.S. 109, 112 (1936).

13 4. On the face of the complaint, none of plaintiff's 15 claims require resolution  
14 of a federal constitutional question. Generally, each claim arises under state tort law.  
15 And none of the claims include federal constitutional violations as an essential element.  
16 Plaintiff cannot create federal jurisdiction by mere reference to the Constitution  
17 throughout her 76-page complaint.

18 5. Plaintiff alleges violations of 18 U.S.C. section 241, 42 U.S.C. section 3631,  
19 18 U.S.C. section 242 and 42 U.S.C. section 14141. But none of those statutes create a  
20 private right of action upon which a civil claim can rest. *Allen v. Gold Country Casino*,  
21 464 F.3d 1044 (9<sup>th</sup> Cir. 2006).

22 6. Because plaintiff is not empowered – as a private citizen – to prosecute  
23 violations of the criminal laws, he cannot invoke federal jurisdiction by alleging claims  
24 under those statutes. Consequently, plaintiff's complaint does not contain a question  
25 arising under the Constitution or the laws of the United States. For that reason, plaintiff's  
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1 complaint is dismissed for want of federal jurisdiction.

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3 **IT IS SO ORDERED.**

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5 **DATE: May 21, 2013**



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**HONORABLE MANUEL L. REAL  
UNITED STATES DISTRICT JUDGE**

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