

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 14, 2023

SEAN F. McAVOY, CLERK

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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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10 ROBERT JAMES McDONALD,

11 Plaintiff,

12 v.

13 THE STATE OF WASHINGTON and
14 THE COURT OF CHELAN COUNTY,
15 Defendants.
16

No. 2:23-CV-00282-SAB

**ORDER DENYING MOTION
FOR PERMANENT
INJUNCTION AND
DISMISSING CASE**

17 Before the Court is Plaintiff's Emergency Request for Permanent Mandatory
18 Injunction, ECF No. 2. Plaintiff is *pro se*. Defendants have not yet appeared. The
19 motion was heard without oral argument. Upon review of the motion, relevant case
20 law, and the record, the Court denies Plaintiff's request and dismisses this matter.

21 District courts have original jurisdiction of all civil actions arising under the
22 Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. District
23 courts also have original jurisdiction of all civil actions where the matter in
24 controversy exceeds the sum or value of \$75,000, exclusive of interest and costs,
25 and is between citizens of different states, pursuant to 28 U.S.C. § 1332(a)(1).

26 In general, states have broad sovereign immunity from suit. "The Judicial
27 power of the United States shall not be construed to extend to any suit in law or
28 equity, commenced or prosecuted against one of the United States by Citizens of

**ORDER DENYING MOTION FOR PERMANENT INJUNCTION AND
DISMISSING CASE # 1**

1 another State, or by Citizens or Subjects of any Foreign State.” U.S. Const. art. XI.
2 “It is inherent in the nature of sovereignty not to be amendable to the suit of an
3 individual without [a State’s] consent. *Hans v. Louisiana*, 134 U.S. 1, 13 (1890).
4 Furthermore, a lawsuit seeking an injunction against a state official does not
5 violate sovereign immunity principles stemming from the Eleventh Amendment of
6 the U.S. Constitution, because the state official was not acting on behalf of the
7 state when enforcing an unconstitutional law. *See Ex parte Young*, 209 U.S. 123
8 (1908). “[J]urisdictional dismissals in cases premised on federal-question
9 jurisdiction are exceptional” and are permitted only when the claim is “patently
10 without merit.” *Roberts v. Corrothers*, 812 F.2d 1173, 1177 (9th Cir. 1987).

11 Defendant’s complaint and request for permanent injunction are hard to
12 follow. What is clear, is that the Court does not have jurisdiction over this matter.
13 On Plaintiff’s emergency request, Plaintiff appears to be a resident of the State of
14 Washington in Chelan County and claims this Court has diversity jurisdiction. ECF
15 No. 4 at 1 and 3. Defendants are entities of the State of Washington.

16 The claims against the State of Washington are barred by the Eleventh
17 Amendment. Plaintiff sometimes references federal questions in their Complaint
18 and Request for Permanent Injunction but does not reference consistent federal
19 causes of action within the same filing or between filings. ECF Nos. 1 and 2.
20 Regardless, Defendant has failed to survive an analysis under *Roberts*. Plaintiff’s
21 complaint and subsequent request for mandatory injunction are patently without
22 merit. The claims against Chelan County and the State of Washington are
23 dismissed.

24 Accordingly, **IT IS HEREBY ORDERED:**

- 25 1. Plaintiff’s Emergency Request for Permanent Mandatory Injunction,
26 ECF No. 2, is **DENIED**.
- 27 2. The above-captioned action is **DISMISSED without prejudice**.
- 28 3. Any pending motions are **DISMISSED as moot**.

**ORDER DENYING MOTION FOR PERMANENT INJUNCTION AND
DISMISSING CASE # 2**

1 4. All relief not expressly granted herein is hereby denied.

2 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
3 forward copies to *pro se* Plaintiff, and **close** the file.

4 **DATED** this 14th day of November 2023.



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A handwritten signature in blue ink that reads "Stanley A. Bastian".

10 Stanley A. Bastian
11 Chief United States District Judge
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