

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LANCE C. BABCOCK, <p style="text-align: center;">v.</p> HARBORVIEW MEDICAL CENTER,))))))))))	Case No. C14-1492RSL ORDER TO SHOW CAUSE
Plaintiff, Defendants.		

This matter comes before the Court *sua sponte*. On September 26, 2014, plaintiff, proceeding *pro se*, filed suit against Harborview Medical Center alleging violations of 42 U.S.C. § 1983 and a number of state law claims. The Court, having reviewed the complaint, finds as follows:

Harborview is a division of the University of Washington and an arm of the state. See Hontz v. State, 105 Wn.2d 302, 310 (1986). As such, it is not a “person” subject to suit under § 1983. See Will v. Mich. Dep’t of State Police, 491 U.S. 58 (1989). Plaintiff’s § 1983 claim therefore fails to state a claim upon which relief can be granted.

In addition, all of plaintiff’s claims are barred by the Eleventh Amendment to the United States Constitution, which provides that “[t]he Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.”

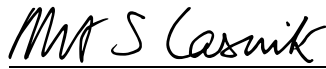
While the plain language of the Eleventh Amendment does not expressly bar suits against a state

ORDER TO SHOW CAUSE

1 by its own citizens, it is well established constitutional law that “an unconsenting State is
2 immune from suits brought in federal courts by her own citizens as well as by citizens of another
3 State.” Edelman v. Jordan, 415 U.S. 651, 663 (1974) (citing Hans v. Louisiana, 134 U.S. 1
4 (1890)). The State of Washington has not waived its immunity for suits such as the one
5 presented here. See Debbs v. Harborview Med Ctr., C12-0479JLR, 2012 WL 4089900 (W.D.
6 Wash. Aug. 21, 2012).

7 Plaintiff shall, within thirty (30) days of the date of this Order, show cause why the
8 above-captioned matter should not be dismissed for failure to state a claim upon which relief can
9 be granted. The Clerk of Court is directed to send a copy of this Order to plaintiff and to note
10 this Order to Show Cause for consideration on the Court’s calendar for October 31, 2014.

11
12 Dated this 30th day of September, 2014.

13 
14 Robert S. Lasnik
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26