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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANNETTE BLANCHARD,  
  
Plaintiff,  
  
v.  
  
NORTH CASCADE TRUSTEE  
SERVICES, INC., et al.,  
  
Defendants.

CASE NO. C16-1544JLR  
  
ORDER DISMISSING  
CASE FOR LACK OF  
SUBJECT MATTER  
JURISDICTION

The court has reviewed Plaintiff Annette Blanchard’s first amended complaint.  
(Am. Compl. (Dkt. # 21).) Ms. Blanchard filed her first amended complaint in  
accordance with the court’s January 27, 2017, order dismissing Ms. Blanchard’s original  
complaint for lack of subject matter jurisdiction with leave to amend. (1/27/17 Order  
(Dkt. # 20).) Ms. Blanchard timely amended her complaint and asserts subject matter  
jurisdiction on the basis of a federal question and diversity of citizenship. (Am. Compl.  
at 3.)

1 Like Ms. Blanchard’s original complaint, Ms. Blanchard’s amended complaint  
2 names North Cascade Trustee Services, Inc. (“NCTS”), as a defendant. (Am. Compl. at  
3 1-2.) NCTS and Ms. Blanchard are Washington domiciliaries. (*Id.* at 1; Req. (Dkt.  
4 # 15-1) Ex. F; *see also* 1/27/17 Order at 3 & n.1.) As the court has already concluded,  
5 diversity is lacking between NCTS and Ms. Blanchard, and the court therefore lacks  
6 diversity jurisdiction. (1/27/17 Order at 3.)

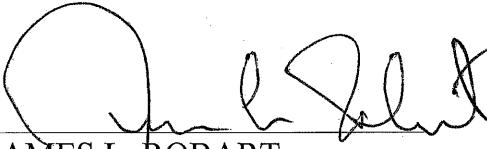
7 In her amended complaint—unlike in her original complaint (*see* Compl. (Dkt.  
8 # 6) at 3)—Ms. Blanchard also asserts that that the court has federal question jurisdiction  
9 (Am. Compl. at 3). Ms. Blanchard identifies two federal statutes as the basis for a federal  
10 question: 28 U.S.C. § 1331 and 28 U.S.C. § 1449. (*Id.*) However, neither of those  
11 statutes confer substantive rights or relate to this case.<sup>1</sup> Ms. Blanchard also alludes to her  
12 “right to due process and constitutional rights,” but the actions that she asserts violate  
13 those rights are “improper and fraudulent banking and mortgage servicing procedures.”  
14 (Am. Compl. at 5 (capitalization altered).) Ms. Blanchard clarifies that her “entire action  
15 alleges fraud, negligence, malfeasance, and misrepresentation as a result of Defendants’  
16 actions.” (*Id.* (capitalization altered).) These causes of action are generally grounded in  
17 state law, and Ms. Blanchard identifies no federal law that supports these claims.

18  
19 <sup>1</sup> *See* 28 U.S.C. § 1331 (“The district courts shall have original jurisdiction of all civil  
20 actions arising under the Constitution, laws, or treaties of the United States.”); 28 U.S.C. § 1449  
21 (“Where a party is entitled to copies of the records and proceedings in any suit or prosecution in  
22 a State court, to be used in any district court of the United States, and the clerk of such State  
court, upon demand, and the payment or tender of the legal fees, fails to deliver certified copies,  
the district court may, on affidavit reciting such facts, direct such record to be supplied by  
affidavit or otherwise. Thereupon such proceedings, trial, and judgment may be had in such  
district court, and all such process awarded, as if certified copies had been filed in the district  
court.”).

1 Moreover, Ms. Blanchard's original complaint, in which she based subject matter  
2 jurisdiction only on diversity (Compl. at 3), contains the same allegations and allusion to  
3 violations of "due process and constitutional rights" (*id.* at 6). Accordingly, the court  
4 concludes that Ms. Blanchard asserts only state law claims and fails to allege facts to  
5 support federal question jurisdiction.

6 The court previously indicated "that it will interpret any future failure to  
7 adequately support subject matter jurisdiction as an indication that further amendment  
8 would be futile." (1/27/17 Order at 4 (citing *Flowers v. First Hawaiian Bank*, 295 F.3d  
9 966, 976 (9th Cir. 2002)); *see also id.* at 5 ("If Ms. Blanchard fails to timely amend her  
10 complaint to remedy the deficiencies identified in this order, the court will dismiss this  
11 case without leave to amend.")) Ms. Blanchard timely amended her complaint, but the  
12 amended complaint fails to remedy the defects in subject matter jurisdiction. It is  
13 therefore absolutely clear that amendment could not cure the defect in subject matter  
14 jurisdiction, and the court declines to grant further leave to amend. *See Lucas v. Dep't of*  
15 *Corr.*, 66 F.3d 245, 248 (9th Cir. 1995). The court therefore DISMISSES this case  
16 without prejudice and without leave to amend for lack of subject matter jurisdiction.

17 Dated this <sup>th</sup>16 day of February, 2017.

18   
19 JAMES L. ROBART  
20 United States District Judge  
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