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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 HATSUYO HARBORD,

10 Plaintiff,

11 v.

12 MATTHEW BEAN, *et al.*,

13 Defendants.

No. C17-349RSL

ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS

14 This matter comes before the Court on the motion to remand or dismiss of defendants
15 Safeway, Inc., Mike Lagrange, Sue Bonnett, Ken Barnes, and Daniel P. Hurley (the "Safeway
16 Defendants"). Dkt. # 8. Proceeding *pro se*, plaintiff filed a complaint alleging various tort
17 causes of action arising from an earlier employment discrimination lawsuit that plaintiff filed
18 several years ago. Dkt. # 1. Specifically, plaintiff sues her former attorney, the opposing party's
19 attorney, and various defendants from that earlier case for "fraud, mistake, conditions precedent,
20 official documents, special damage." Plaintiff's complaint also alleges discrimination by a
21 number of Washington State Supreme Court clerks, apparently due to their failure to print
22 certain documents.¹

23 The Court, having reviewed the record as a whole under the standards articulated in 28
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26 ¹ Plaintiff did not initially name those court clerks as defendants, but has since requested leave
27 to add them as defendants. See Dkt. ## 1, 22.

1 U.S.C. § 1915(e)(2)(B) and having construed the allegations of the complaint liberally, see
2 Bernhardt v. Los Angeles County, 339 F.3d 920, 925 (9th Cir. 2003), found that plaintiff's
3 complaint was deficient because it did not contain allegations sufficient to establish federal
4 subject-matter jurisdiction over this case. Accordingly, the Court ordered plaintiff to file an
5 amended complaint within 28 days, remedying the jurisdictional deficiencies that the Court had
6 identified. See Dkt. # 5. To date, though plaintiff has not filed an amended complaint, she has
7 filed numerous other documents elaborating on her claims against the various defendants. See
8 Dkt. ## 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 28, 29, 30.

9 Meanwhile, the Safeway Defendants filed the motion now before the Court, categorizing
10 plaintiff's complaint as an attempt at removal and asking the Court to remand the case to King
11 County Superior Court, or in the alternative to dismiss the case with prejudice. Dkt. # 8. Citing
12 plaintiff's history of filing frivolous claims and appeals in Washington state courts and the
13 volume of filings in this case, the Safeway Defendants ask the Court to award attorney's fees
14 and to enjoin plaintiff from filing any further actions against the Safeway Defendants without
15 prior approval of the Court. Dkt. # 8 at 10.

16 Though it does appear that plaintiff intended to "remove" her state case to federal district
17 court, see Dkt. # 24, as plaintiff in that case, she lacked the power to do so. See 28 U.S.C.
18 § 1441(a) (providing that a civil action brought in a state court may be removed "by the
19 defendant or the defendants"). Plaintiff initiated a new case in federal court by filing her
20 complaint here, see Dkt. # 1, and this Court lacks the authority to remand a case that originated
21 in federal court. See 28 U.S.C. § 1447. Accordingly, the Court declines the Safeway
22 Defendants' invitation to remand.

23 Instead, the Court concludes that plaintiff's claims against the Safeway Defendants
24 should be dismissed with prejudice for lack of subject-matter jurisdiction. When filing this case
25 in federal court, plaintiff asserted federal diversity jurisdiction under 28 U.S.C. § 1332(a). See
26 Dkt. # 1-1. As plaintiff's claims against the Safeway Defendants are all state-law claims, this is

1 the only jurisdictional ground available to her. For this Court to exercise diversity jurisdiction,
2 however, the parties must be citizens of different states and the amount in controversy must
3 exceed \$75,000. 28 U.S.C. § 1332(a) (establishing that the federal court's basic diversity
4 jurisdiction extends to "all civil actions where the matter in controversy exceeds . . . \$75,000 . . .
5 and is between . . . citizens of different States"). The Safeway Defendants assert, and plaintiff
6 does not dispute, that complete diversity does not exist between plaintiff and the Safeway
7 Defendants. See Dkt. # 1-1. Neither does the Court have jurisdiction over plaintiff's claims
8 against her former attorney, Matthew Bean. Id. Accordingly, this Court lacks jurisdiction over
9 the claims against the Safeway Defendants and Mr. Bean, and they must be dismissed with
10 prejudice.

11 Plaintiff's claims against the Washington state supreme court clerks are dismissed without
12 prejudice. While plaintiff's complaint fails to allege facts supporting a plausible Constitutional
13 claim against those individuals, see Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007), this
14 Court would have federal question jurisdiction over those claims were they sufficiently pled.
15 See 28 U.S.C. § 1331. Accordingly, those claims are dismissed without prejudice.

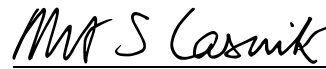
16 The Court declines to award the Safeway Defendants their attorney's fees and costs.
17 Because the Court declines to treat plaintiff's complaint as a removal, fees under 28 U.S.C.
18 § 1447(c) are not appropriate. Neither will the Court enjoin plaintiff from filing further actions
19 against the Safeway Defendants without a showing of merit. While plaintiff's filings in this case
20 are certainly plentiful, they do not warrant an order limiting plaintiff's access to this federal
21 forum at this time.

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23 For the foregoing reasons, defendants' motion (Dkt. # 8) is DENIED in part and
24 GRANTED in part. Plaintiff's claims against defendants Safeway Inc., Mike Lagrange, Sue
25 Bonnett, Ken Barnes, Daniel P. Hurley, and Matthew Bean are dismissed with prejudice.
26 Plaintiff's other claims are dismissed without prejudice. The Court's order to show cause (Dkt.

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28 ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS - 3

1 # 6) is hereby VACATED. Plaintiff's "motion to strike affirmative defense" (Dkt. # 15), motion
2 to add defendants (Dkt. # 22), and second motion to strike (Dkt. # 24) are DENIED as moot.
3 The Clerk of Court is directed to enter judgment against plaintiff and in favor of defendants
4 Safeway Inc., Mike Lagrange, Sue Bonnett, Ken Barnes, Daniel P. Hurley, and Matthew Bean.
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6 SO ORDERED this 15th day of May, 2017.
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9 Robert S. Lasnik
10 United States District Judge
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