

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

GREGORY CHARLES ROYAL, et al.,

Plaintiff,

vs.

SARAH PALIN,

Defendants.

Case No. 3:09-cv-00091-TMB

ORDER of DISMISSAL

Section 1915 Screening

Gregory Charles Royal and Kim Chatman, representing themselves, filed a civil rights complaint in the United States District Court for the District of Columbia, which was transferred to this Court on May 11, 2009.¹ The plaintiffs claim that the defendant, then Governor of the State of Alaska, violated their constitutional rights by failing to issue a Juneteenth Day Proclamation in 2007.

Diversity Jurisdiction

After the Court explained to the plaintiffs that because both the defendant and one of the plaintiffs are citizens of the State of Alaska,² the plaintiffs cannot bring

¹ See Doc. 1.

² See Doc. 19 at 6-7; Doc. 1-2 at 2 (“Plaintiff Kim Chatman, who is an Alaskan resident.”); Doc. 1-2 at 4 (“Defendant is the current Governor of Alaska.”).

their case under this Court’s diversity jurisdiction,³ the plaintiffs elected to dismiss the Alaskan plaintiff, Kim Chatman, as a party to this action “unless the court finds that based upon the attempted bribery claim herein, her remaining as a Plaintiff would not affect [sic] this court’s jurisdiction.”⁴ The Court reiterates – if an Alaskan plaintiff such as Kim Chatman remains in this action, diversity jurisdiction is lost.

Violation of a Constitutional Right

In addition, the amended complaint still fails to show that, by failing to issue a Juneteenth Day Proclamation, the defendant violated any federal rights. As the defendant argued in her motion to dismiss, the plaintiffs have not identified – and the Court is unaware of – any such federal right.⁵

Standing

Finally, Mr. Royal, a resident of Washington D.C., does not appear to have standing to bring this action. The Supreme Court has explained that the test for standing contains three elements:

First, the plaintiff must have suffered an ‘injury in fact’ -- an invasion of a legally protected interest that is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct

³ See Doc.

⁴ Doc. 33 at 2.

⁵ See Doc. 19 at 4-6.

complained of. . . . Third, it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.⁶

Thus, in order to have standing to proceed before this Court, Mr. Royal must show *he* has suffered from a concrete invasion of a legally protected interest.

Mr. Royal claims that the defendant “has been unresponsive and un-supportive of not only Juneteenth and its related events, but in her hiring practices of African-Americans within her state administration.”⁷ He also states that he is a concerned citizen, an African-American, and someone with personal knowledge of this behavior.”⁸ These allegations are not enough to provide Mr. Royal with standing to bring his claims in federal court. As explained by the Supreme Court, “when a plaintiff’s asserted injury arises from the government’s allegedly unlawful regulation . . . of **someone else**, much more is needed.”⁹ And where a plaintiff lacks standing to bring a claim, the complaint must be dismissed.¹⁰

⁶ *United States v. Hays*, 514 U.S. 737, 742-43 (1995), quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992).

⁷ Doc. 33 at 2.

⁸ *Id.* at 3.

⁹ *Lujan*, 504 U.S. at 562 (emphasis in original).

¹⁰ See *Bernhardt v. County of Los Angeles*, 279 F.3d 862, 867, 868 (9th Cir. 2002) (A court may dismiss a complaint sua sponte if lack of standing is clear, assuming all allegations in the complaint to be true. In fact, federal courts “have the power and the duty” to raise “jurisdictional issues such as standing” sua sponte.) (citations omitted).

Attempted Bribery Claim

Mr. Royal also states that he was told that the defendant attempted to bribe Juneteenth organizers if this lawsuit would be dismissed.¹¹ First, the allegation that the defendant told someone that she would appropriate money to a “to-be-formed Juneteenth Commission in Alaska” if this lawsuit would be dismissed rings more of settlement negotiations than an attempt at bribery. Further, attempted bribery is a criminal offense,¹² rather than a federal civil rights claim.

IT IS HEREBY ORDERED that:

1. This case is DISMISSED without prejudice to any state remedies available to the plaintiff(s); and
2. Any outstanding motions are DENIED as moot.

DATED this 28th day of December, 2009, at Anchorage, Alaska.

/s/ TIMOTHY M. BURGESS
United States District Judge

¹¹ See Doc. 33 at 4.

¹² See *Netling v. State*, 145 P.3d 609 (Alaska App. 2006) (“Many crimes – from attempted murder and robbery to bribery and driving while intoxicated – do not require proof of physical injury or actual harm to property. These offenses are punished because of the risks they create, and because of the serious disruption of the social fabric they entail. Such risks and disruptions are ‘harms for purposes of [state] criminal law.’”) (citation omitted).