

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:23-CV-07489-DOC-DFMx

Date: October 2, 2023

Title: A.W. CLARK V. SHIRLEY WEBER

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PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Karlen Dubon  
Courtroom Clerk

Not Present  
Court Reporter

ATTORNEYS PRESENT FOR  
PLAINTIFF:  
None Present

ATTORNEYS PRESENT FOR  
DEFENDANT:  
None Present

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**PROCEEDINGS (IN CHAMBERS): ORDER TO SHOW CAUSE AS TO WHY THE COMPLAINT SHOULD NOT BE DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION**

This matter is before the Court *sua sponte*. Plaintiff A.W. Clark (“Plaintiff” or “Clark”) filed their Complaint (“Compl.”) (Dkt. 1) on September 9, 2023. Since then, Plaintiff has filed a Motion for a Preliminary Injunction (Dkt. 13), and Defendant Secretary of State Shirley Weber (“Defendant” or “the Secretary”) filed a Motion for Order for Briefing Schedule (Dkt. 18). Before the Court can consider these motions and permit this case to proceed, it must be assured that it has subject matter jurisdiction.

“[F]ederal courts have an independent obligation to ensure that they do not exceed the scope of their jurisdiction, and therefore they must raise and decide jurisdictional questions...” *Henderson ex rel. Henderson v. Shinseki*, 562 U.S. 428, 434 (2011). “[S]tanding is an aspect of subject matter jurisdiction.” *Fleck and Assocs., Inc. v. City of Phoenix*, 471 F.3d 1100, 1106 n.4 (9th Cir. 2006). Federal courts have consistently held that voters lack standing to enforce Section 3 of the Fourteenth Amendment when the voter does not allege that they suffered a particularized injury. *See Caplan v. Trump*, No. 23-CV-61628-ROSENBERG (S.D. Fla. Aug. 31, 2023) (collecting cases). Here, the

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Complaint does not allege that Plaintiff will suffer an injury unique from other voters if the Court does not grant their requested relief. *See* Compl. ¶¶ 6, 105 (alleging that Plaintiff “is an eligible voter” and that they, like all voters, have a “right to vote for a candidate for president who is constitutionally eligible to be president”).

Therefore, Plaintiff is **ORDERED TO SHOW CAUSE** in writing, not to exceed 12 pages within fourteen (14) days of this Order why this action should not be dismissed sua sponte for lack of subject matter jurisdiction. Defendant may submit a response in the same period. Plaintiff’s filing a first amended complaint will be deemed a sufficient response to this Order. All filing deadlines in this matter are hereby **CONTINUED** until twenty-one (21) days after Plaintiff responds to this Order.

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11

Initials of Deputy Clerk: kdu

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