	Case 2:09-cv-00410-ROS Document 3	5 Filed 08/14/09	Page 1 of 2
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6	IN THE UNITED STATES DISTRICT COURT		
7	FOR THE DISTRICT OF ARIZONA		
8			
9	Clark Hamblin, )	No. 09-cv-00410	)-PHX-ROS
10	Plaintiff, )	ORDER	
11	vs.		
12	) Demode Oberne John C. McCein		
13	Barack Obama; John S. McCain, ) Defendants. )		
14	Defendants.		
15			
16	Before the Court is Defendant McCain's Motion to Dismiss. (Doc. 18.) Because the		
17	court does not have jurisdiction to hear Plaintiff's complaint, the motion will be granted.		
18	BACKGROUND		
19	Defendants were the candidates for President of the United States offered by the two		
20	largest political parties, and together received 98.6% of the popular votes cast and 100% of		
21	the electoral votes. <sup>1</sup> Defendant Obama won the election and was sworn in as President.		
22	(Doc. 4 at 12.) Plaintiff alleges that neither Defendant was eligible to hold the office of		
23	President of the United States. (Doc. 4 passim.) Accordingly, Plaintiff alleges that		
24	Defendants' campaigns for the Presidency were predicated on fraudulent statements made		
25	by Defendants. (Doc. 4 at 15.) Plaintiff	alleges those cam	paigns abridged Plaintiff's
26			
27	<sup>1</sup> 2008 Official Presidential General Election Results, Federal Election Commission		ederal Election Commission
28	(Jan. 22, 2009), available at http://www.fed	•	

## Case 2:09-cv-00410-ROS Document 35 Filed 08/14/09 Page 2 of 2

constitutionally-protected rights. (Doc. 4 at 14-16.) Furthermore, Plaintiff alleges Defendants 1 2 conspired to commit the fraud that abridged his rights. (Doc. 4 at 16-17.) Finally, Plaintiff 3 alleges intentional infliction of emotional distress resulting from Defendants' fraudulent acts. (Doc. 4 at 17-18.) 4 5 **ANALYSIS** 6 The Constitution limits the jurisdiction of federal courts. U.S. Const. art. III § 2. One 7 such limit is that a federal court cannot adjudicate a controversy unless it is brought by a 8 party who has standing to sue. Schlesinger v. Reservists Comm. to Stop the War, 418 U.S. 9 208, 220 (1974). Standing to sue comes from having a sufficient stake in the controversy 10 being presented. Sierra Club v. Morton, 405 U.S. 727, 731 (1972). But "standing to sue may 11 not be predicated upon an interest . . . held in common by all members of the public." 12 Schlesinger, 418 U.S. at 220. 13 Plaintiff's alleged injuries flow from Plaintiff's interest in voting for eligible candidates for elected office. Plaintiff's interest is held in common by all members of the 14 15 public. That common interest does not confer standing on Plaintiff. As a result, the Court 16 cannot adjudicate Plaintiff's complaint, and the case must be dismissed in its entirety. 17 Accordingly, 18 **IT IS ORDERED** that Defendant's Motion to Dismiss (Doc. 18) is **GRANTED**. 19 FURTHER ORDERED that Plaintiff's claims are DISMISSED WITH PREJUDICE. 20 21 **FURTHER ORDERED** that all other pending motions (Docs. 11, 26, 31, 32) are DISMISSED AS MOOT. 22 23 24 DATED this 13th day of August, 2009. 25

> Roskin O. Silver United States District Judge

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