

No. \_\_\_\_\_

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In The  
**Supreme Court of the United States**

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LISA WILKINS; RAY HOBBS,

*Petitioners,*

v.

JAMES SOLER,

*Respondent.*

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**On Petition For A Writ Of Certiorari  
To The United States Court Of Appeals  
For The Ninth Circuit**

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**PETITION FOR WRIT OF CERTIORARI**

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EDGAR R. NIELD  
*Counsel of Record*  
NIELD LAW GROUP, APC  
679 Encinitas Boulevard, Suite 201  
Encinitas, CA 92024  
(760) 942-9880  
enield@nieldlaw.com

*Counsel for Petitioner*

## **QUESTION PRESENTED FOR REVIEW**

This petition presents an important question regarding the constitutional right to due process of law under the Fourteenth Amendment, the answers to which will impact the ability of law enforcement officials to respond to inquiries from and coordinate with officials in other states without undue risk of interference with their law enforcement roles by being hauled into court in another state.

The question presented is:

1. Whether a court can, consistent with the due process clause of the Fourteenth Amendment, exert personal jurisdiction over an out of state law enforcement defendant that has had no direct contact with the plaintiff or physical presence in the forum state based on the defendant's knowledge of the plaintiff's presence in the forum and minimal, primarily indirect interactions with third-parties in the forum state.

**PARTIES TO PROCEEDING**

Lisa Wilkins and Ray Hobbs are the petitioners. James Soler is the respondent. In addition, County of San Diego, San Diego County Sheriff's Department; San Diego County Office of the Public Defender; Salvatore Tarantino; Robert Germain; Javier Medina; Mark Milton; Ken Smith; Rick Turvey and Ernesto Banuelos appeared below both as Defendants-Appellees.

**CORPORATE DISCLOSURE STATEMENT**

Lisa Wilkins and Ray Hobbs are the petitioners. They are individuals, not corporate entities.

**RELATED PROCEEDINGS**

*Soler v. County of San Diego*, et al., No. 3:14-cv-02470-MMA-RBB, U.S. District Court for the Southern District of California. Judgment entered August 15, 2017.

*Soler v. County of San Diego*, et al., No. 17-56270, U.S. Court of Appeals for the Ninth Circuit. Judgment entered February 26, 2019. Petition for reh'g *en banc* denied June 4, 2019.

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**PETITION FOR WRIT OF CERTIORARI**

Lisa Wilkins and Ray Hobbs respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case.

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**OPINIONS BELOW**

The District Court's opinion granting Lisa Wilkins' and Ray Hobbs' Motion to Dismiss is reproduced in Appendix ("App.") 11. The Ninth Circuit's opinion is

available at 762 F. App'x 383 (9th Cir. 2019) and reproduced at App. 1.

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## **JURISDICTION**

The judgment of the court of appeals was entered on February 26, 2019. A petition for rehearing *en banc* was denied on June 4, 2019. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

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## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The Fourteenth Amendment to the United States Constitution provides in relevant part: “No State shall . . . deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV.

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## **STATEMENT OF THE CASE**

This case involves a recurring issue of great importance: personal jurisdiction over out of state law enforcement agents. The conduct of petitioners, Lisa Wilkins (“Wilkins”) and Ray Hobbs (“Hobbs”), at issue in this case occurred exclusively within Arkansas. Yet, plaintiff below, James Soler (“Soler”) filed suit in the Southern District of California. On motion, the Southern District Court correctly dismissed Wilkins and Hobbs for lack of personal jurisdiction. Soler appealed

and the Ninth Circuit Court of Appeals reversed, finding that personal jurisdiction existed based on Wilkins' and Hobbs' knowledge of Soler's presence in California and de minimis interactions with authorities in California. The Ninth Circuit's decision was incorrect and in contravention of this Court's prior decisions, its own prior decisions, and those of its sister circuits in analogous cases.

On January 13, 2014, James Soler ("Soler"), was arrested at his home in Alpine, California located within San Diego County, under the belief that he was Steven Dishman, a fugitive that had escaped from prison in Arkansas in 1985. App. 39 – 40, 45, 50 – 51. The belief stemmed from an unsolicited phone call on August 7, 2013 from Soler's neighbors to the Arkansas Department of Corrections ("ADC") during which they reported that Soler was the fugitive Steven Dishman, identified on the ADC website. App. 41. He was arrested by San Diego County Sheriff's Deputies and detained in jail in San Diego until January 21, 2014 when his misidentification was confirmed. App. 45 – 46, 49 – 50.

Defendants Lisa Wilkins and Ray Hobbs, employees of the ADC, who at all times remained in Arkansas, had nominal involvement in the chain of events that led to Soler's arrest following the report from his neighbors. At all pertinent times, Wilkins was employed by the ADC as a staff attorney and Ray Hobbs as the director of the ADC. App. 38, 68, 71. Following the report from Soler's neighbors, and at the direction of her superiors, Wilkins prepared paperwork necessary to

support a judicial finding of probable cause to conclude that Plaintiff was a wanted escapee from Arkansas prison, Steven Dishman. App. 41 – 42. This included an affidavit to be signed by Director Hobbs. The affidavit stated, “I have new and reasonably believe it to be accurate information as to [Mr. Dishman’s] current residence at [Mr. Soler’s street address], Alpine, California, and is living under the alias of James DeWolfe Soler.” App. 41 – 42, 68, 71 – 72. Hobbs signed the affidavit and presented it to an Arkansas judge, who in turn issued an Affidavit of Probable Cause to support the extradition of “Steven Dishman, a/k/a James DeWolfe Soler” from California to Arkansas. App. 41 – 42, 68, 71 – 72.

Thereafter, Wilkins forwarded the Affidavit to the Office of Arkansas Governor Mike Beebe, who issued a “requisition” for extradition to California Governor Brown, based on the judge’s probable cause finding. App. 42, 68, 71 – 72. On or about November 27, 2013, the Office of the Governor of California, through Peter A. Krause, Interstate Rendition Officer, and Debra Bowen, Secretary of State, issued a Governor’s warrant of rendition along with information which was submitted, together with information included for use in identifying Solar/Dishman, to the State of California. App. 42 – 43.

Many months later, in January of 2014, Wilkins, still in Arkansas, provided the same or similar identifying information to a San Diego County Sheriff’s department officer Robert Germain, in response to his request for such information. App. 19. Specifically, she

provided Dishman's handwriting examples, finger-print card with signature, intake information, diagram of scar markings, and a "possible" updated image of him. App. 19. During the same few day period in January 2014, a Sheriff's deputy called Wilkins regarding a purported positive fingerprint match and to advise Wilkins that Plaintiff was challenging extradition. *Id.* Wilkins kept Hobbs apprised of the developments. *Id.*

The foregoing is the extent of Wilkins' and Hobbs' limited involvement in the chain of events culminating in Soler's arrest and the only basis of their alleged connection to California. Neither traveled to California at any time for any reason related to this case. App. 69, 72. Neither has ever been a resident of California, worked in California, owned or had an interest in land in California or had a bank account in California. App. 68, 71. Other than the instant litigation, neither has been a defendant in any lawsuit in California. *Id.* Both Wilkins and Hobbs are Arkansas residents and were employed by the ADC at all times pertinent. *Id.*

Soler filed the underlying civil rights lawsuit against several law enforcement entities and individuals, including Wilkins and Hobbs, after his arrest and detention. App. 36. After a few amendments, Wilkins and Hobbs moved to dismiss the operative Third Amended Complaint on multiple grounds including lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2). The Southern District of California granted the motion on personal jurisdiction grounds, without reaching the other arguments for dismissal. App. 11.

Soler appealed the District Court's decision to the Ninth Circuit Court of Appeals, which had jurisdiction over the appeal pursuant to 28 U.S.C. §1291. Upon review, the panel reversed and remanded the District Court's dismissal of Soler's claims against Wilkins and Hobbs. App. 1. The Ninth Circuit found that Wilkins and Hobbs had each "expressly aimed" their conduct at California based on the following rationale:

Wilkins coordinated the efforts to have the Arkansas Governor issue a warrant of requisition to California for Soler's arrest and detention in California. Wilkins then communicated with California officials on several occasions over the phone and email, including persuading the arresting officer to hold Soler even when the officer doubted that Soler was Dishman. Similarly, Hobbs was Wilkins' supervisor, and he signed all critical documents requesting that the Arkansas Governor issue the warrant of requisition to California. Notably, Hobbs' affidavit provided the only factual basis for an Arkansas judge's probable cause finding that Dishman was living under Soler's name at Soler's California address.

App. 3. Wilkins and Hobbs requested a rehearing *en banc*, which was denied.



### **REASONS FOR GRANTING THE PETITION**

The pertinent inquiry in this case is whether California can assert jurisdiction over out of state law

enforcement officials Wilkins and Hobbs consistent with the Fourteenth Amendment’s Due Process Clause. The Ninth Circuit erroneously held that it could, reverting to reliance on the same erroneous rationale that resulted in its being overturned by this Court in *Walden v. Fiore*, 577 U.S. 277 (2014). In doing so, its decision contravened *Walden* and related precedent of this Court as well as decisions of other circuits addressing analogous issues.

The issue presented in this case is an important one that implicates fundamental fairness and constitutional rights. Left unresolved, the Ninth Circuit’s decision will result in the continued deprivation of the due process rights of out of state law enforcement officers within the Ninth Circuit and lead to inconsistent application of a constitutional right, due process, that should be applied uniformly across all jurisdictions.

## **I. THE PANEL’S DECISION CONFLICTS WITH DECISIONS OF THIS COURT ON AN IMPORTANT CONSTITUTIONAL ISSUE.**

A federal court’s ability to assert jurisdiction over a litigant is limited by the Due Process Clause of the Fourteenth Amendment and the long-arm statute of the state where the case is filed. U.S. Const. amend. XIV; Fed. R. Civ. P. 4(k)(1)(A); *see also Daimler AG v. Bauman*, 571 U.S. 117, 124, (2014) (“Federal courts ordinarily follow state law in determining the bounds of their jurisdiction over persons.”). California’s long-arm statute is co-extensive with the limitations

imposed by the Due Process Clause. Cal. Code Civ. Proc. §410.10. Accordingly, the statutory and constitutional jurisdictional analyses in this case are identical. The pertinent inquiry is whether the District Court for the Southern District of California can constitutionally assert jurisdiction over Wilkins and Hobbs. It cannot.

**A. Due Process Requires Conduct Directed at the Forum State Itself, Not the Plaintiff or Third Parties.**

The Due Process Clause of the Fourteenth Amendment provides constitutional limits on a state's ability to haul non-citizens into its courts and issue judgments against them. *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 291 (1980). This Court's seminal decision in *International Shoe* established that for the assertion of jurisdiction to be constitutionally permissible, the out of state litigant must have "certain minimum contacts with [the forum state] such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" *Int'l Shoe Co. v. State of Wash.*, 326 U.S. 310, 316 (1945).

In the years since *International Shoe*, this Court has had occasion to further define the contours of the minimum contacts analysis. In *Burger King*, this Court clarified that minimum contacts analysis requires that a defendant "purposefully directed" his conduct at the forum state. *Burger King v. Rudzewicz*, 471 U.S. 462 (1985). Expanding on that principle, this Court in *Calder* equated "purposeful direction" with conduct of a

defendant that is “expressly aimed” at the forum state in the context of intentional torts.<sup>1</sup> *Calder v. Jones*, 465 U.S. 784 (1984). Subsequently, in *Walden v. Fiore*, discussed *infra*., this Court had occasion to further elucidate on the type of conduct required to establish jurisdiction over an out of state defendant. 571 U.S. 277, 284 – 85 (2014).

The factual scenarios through which the personal jurisdiction issue has come before this Court have varied greatly, but the core principles for analyzing the issue have remained the same and are well-established. At a high level, the overarching focus of the inquiry is the “relationship among the defendant, the forum, and the litigation,” in any given case. *Calder*, 465 U.S. at 788. Jurisdiction is upheld only where the defendant’s conduct is intentionally aimed, i.e., “purposefully directed,” at the forum state. *See, e.g., Burger King*, 471 U.S. 462; *Asahi Metal Indus. Co. v. Super. Ct. of Cal.*, 480 U.S. 102, 112 (1987) (plurality opinion) (plaintiff must point to “an act of the defendant purposefully directed toward the forum State”). “[R]andom, fortuitous, or attenuated contacts” are insufficient. *Burger King*, 471 U.S. at 475 (internal quotation marks omitted).

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<sup>1</sup> Lower courts, including the Ninth Circuit, have distilled *Calder* into a three part “effects test,” under which jurisdiction is only proper if the defendant “(1) committed an intentional act, (2) expressly aimed at the forum state, (3) causing harm that the defendant knows is likely to be suffered in the forum state.” *Axiom Foods, Inc. v. Acerchem Int’l, Inc.*, 874 F.3d 1064, 1069 (9th Cir. 2017) (*quoting Mavrix Photo, Inc. v. Brand Techs., Inc.*, 647 F.3d 1218, 1223 (9th Cir. 2011)).

When conducting the personal jurisdiction inquiry, the focus must be on the *defendant's* connections with the forum state itself, not with the plaintiff or third parties within the state. *Walden*, 571 U.S. at 291 (2014) (“[I]t is the defendant, *not the plaintiff or third parties*, who must create contacts with the forum State.”) (emphasis added). The fact that a plaintiff suffered injury in the forum state does not establish jurisdiction. *Id.* at 290 (“The proper question is *not where the plaintiff experienced a particular injury* or effect but whether the defendant’s conduct connects him to the forum in a meaningful way.”) (emphasis added). Nor does a defendant’s mere knowledge of a plaintiff’s presence in or connection to the forum state. *Id.* at 289 (“Petitioner’s actions in Georgia did not create sufficient contacts with Nevada simply because he allegedly directed his conduct at plaintiffs whom he knew had Nevada connections.”). Further, defendants cannot be considered as a class, instead, their conduct must be individually assessed. Where there are multiple defendants, “[e]ach defendant’s contacts with the forum State must be assessed *individually*.” *Calder*, 465 U.S. at 790 (citation omitted).

This Court’s relatively recent decision in *Walden v. Fiore* applied the core principles in a factual scenario that is particularly relevant to the instant action. 571 U.S. 277, 284 – 85 (2014). The two plaintiffs in *Walden* were professional gamblers with residences in California and Nevada. *Id.* at 280. In 2006, defendant Walden, a DEA agent, confiscated \$97,000 from the plaintiffs in an airport in Atlanta, Georgia where the two had

stopped on a flight layover en route to Las Vegas, Nevada. *Id.* Sometime after the seizure, Walden helped draft a probable cause affidavit and forwarded it to a US Attorney's Office in Georgia. *Id.* at 280.

Although their funds were ultimately returned, the plaintiffs brought suit over the ordeal against Walden in the District Court of Nevada alleging multiple violations of their Fourth Amendment rights. *Id.* The District Court dismissed the claims against Walden in their entirety for lack of personal jurisdiction in Nevada. *Id.* The Ninth Circuit largely agreed but reversed the District Court on one aspect of the case; it held that the District Court *did* have jurisdiction over the defendant for the aspects of the case involving plaintiffs' allegations that the probable cause affidavit was false. *Id.* at 282. The case made its way to this Court which reversed the Ninth Circuit and held that the District Court lacked personal jurisdiction over Walden even as to that limited aspect of the case. *Id.* at 291.

In reaching its conclusion, this Court drew a distinction between "mere injury to a forum state resident," which is insufficient to establish jurisdiction, and conduct created by the defendant himself that connects him with the forum state itself, which is necessary to establish jurisdiction. *Id.* at 291. It also emphasized that requisite connection is with the state itself, not merely individuals within the state. *Id.* at 285 ("[The] minimum contacts analysis looks to the defendant's contacts with the forum State itself, *not the defendant's contacts with persons who reside there*.")

(emphasis added). Applying these principles, this Court explained:

It is undisputed that no part of petitioner's course of conduct occurred in Nevada. Petitioner approached, questioned, and searched respondents, and seized the cash at issue, in the Atlanta airport. It is alleged that petitioner later helped draft a "false probable cause affidavit" in Georgia and forwarded that affidavit to a United States Attorney's Office in Georgia to support a potential action for forfeiture of the seized funds. 688 F.3d, at 563. Petitioner never traveled to, conducted activities within, contacted anyone in, or sent anything or anyone to Nevada. In short, when viewed through the proper lens—whether the defendant's actions connect him to the forum—petitioner formed no jurisdictionally relevant contacts with Nevada.

*Id.* at 288 – 89.

**B. The Ninth Circuit Erroneously Based its Decision on Defendants' Contacts with Third Parties in the Forum State and Knowledge of Plaintiff's Presence in the Forum State.**

By its nature, the personal jurisdiction analysis is a fact-specific one. However, courts are not free to make decisions based on whim or mood. The core principles of the personal jurisdiction analysis have been reiterated time and again by this Court and must be followed.

The Ninth Circuit’s decision in this case failed to properly apply these principles. Its decision makes the same analytical mistakes that led the Supreme Court to reverse its decision in *Walden*. Neither Wilkins nor Hobbs purposefully directed any conduct at California. To the contrary, their limited connections with the state were passive and attenuated. The entirety of Hobbs’ alleged contact with California officials was indirect, made through others in Arkansas. Similarly, the majority of Wilkins contacts with California officials were also made through others in Arkansas and the few contacts that were “direct” were responsive to inquiries made by California officials. Further, neither Wilkins nor Hobbs had any direct contact with Soler, making their connection to both Soler and California even more removed than in *Walden*.

Despite the lack of connection between Wilkins and Hobbs and the State of California itself, the Ninth Circuit incorrectly concluded that the requisite minimum contacts existed based on their connection with third parties, California law enforcement personnel and agencies, and knowledge that their conduct would have an impact on Soler in California. In holding that Wilkins’ and Hobbs’ tangential, indirect contacts with California were sufficient to support jurisdiction, the Ninth Circuit once again incorrectly “shift[ed] the analytical focus from [the defendant]’s contacts with the forum to his contacts with [the plaintiff].” *Walden*, 571 U.S. at 289. This analytical focus “improperly attributes a plaintiff’s forum connections to the defendant” which “impermissibly allows a plaintiff’s contacts with

the defendant and forum to drive the jurisdictional analysis.” *Id.*

The Ninth Circuit should have upheld the Southern District of California’s decision to dismiss Wilkins and Hobbs based on lack of personal jurisdiction. Their relevant conduct occurred entirely within Arkansas and their minor contacts with California were indirect and responsive. As in *Walden*, the fact that their conduct affected Soler who was in California does not suffice to authorize jurisdiction in California. The Ninth Circuit’s decision to reverse the dismissal of Wilkins and Hobbs is in conflict with the well-settled personal jurisdiction principle set forth by this Court.

## **II. THE NINTH CIRCUIT’S DECISION IS IN CONFLICT WITH OTHER JURISDICTIONS.**

Courts in other circuits have had occasion to consider personal jurisdiction over out of state law enforcement officials in analogous cases. The Ninth Circuit’s decision in this case conflicts with its own prior decision and those from other circuits.

As already noted, the nature of personal jurisdiction makes the analysis fact intensive. However, there is a consistent pattern in cases analogous to the one at hand: courts have regularly rejected assertions of personal jurisdiction where, as in the instant case, the out of state officials’ actions were responsive to those of out of state persons or merely involved submitting information to databases or forum state officials. *See Doe v. Delaware State Police*, 939 F. Supp. 2d 313, 334

(S.D.N.Y. 2013) (“Courts also have found personal jurisdiction wanting where the out-of-state law enforcement officials responded to inquiries from forum state officials executing the warrant, or where out-of-state officials merely exchanged telephone calls with forum state officials or submitted forms incidental to extradition of the defendant from the forum state none of which ever happened here”).

Only a limited number of circuits have considered issues analogous to the one at hand involving transfer or extradition of a person from one state to another. The Ninth Circuit is one of those circuits. The Ninth Circuit in *Lee v. City of Los Angeles* held that jurisdiction existed over two New York extradition officers who had “direct and significant involvement,” in the extradition of a California resident that had been misidentified as a fugitive to New York including travelling to California to carry out the extradition. 250 F.3d 668, 694 (9th Cir. 2001). However, the *Lee* court also found jurisdiction lacking over other New York based extradition officials that were involved, whose interaction occurred solely within New York and who were not as significantly involved as the officers whom had travelled to California. *Id.* at 692.

As to other circuits, the First Circuit in *Hannon v. Beard*, held that personal jurisdiction in Massachusetts existed over Secretary of the Pennsylvania Department of Corrections where to effectuate the transfer, among other things, an application needed to be sent to Massachusetts, money needed to be transferred to a Massachusetts institution, and documents and legal

advice needed to be provided to Massachusetts authorities. 524 F.3d 275, 281 (1st Cir. 2008). The Third Circuit in *Groppi v. Bosco* held that a Pennsylvania District Court lacked personal jurisdiction over Connecticut officials in a prisoner's civil rights action against Connecticut probation officials who issued a warrant for the prisoner's arrest for failure to pay restitution as part of the prisoner's sentence in unrelated criminal case because of no showing of minimum contacts. 208 F. App'x 113, 115 (3d Cir. 2006). The 7th Circuit in *Kinslow v. Pullara* held that New Mexico Department of Corrections Officers that had "arranged and planned" inmate's transfer by "mere handful of phone calls," did not have requisite minimum contacts with Illinois. 538 F.3d 687, 691 (7th Cir. 2008). The Tenth Circuit in *Trujillo v. Williams* held that personal jurisdiction did not exist in New Mexico over Virginia authorities that merely received an inmate from New Mexico and implemented New Mexico's policies pursuant to an agreement between the two states. 465 F.3d 1210 (10th Cir. 2006).

A similar pattern in decisions has emerged among the District Court level decisions that have considered similar issues:

*Tisdale v. Nadramia*, No. 11-CV-647, 2012 WL 693563, at \*4 (D.S.C. Feb. 7, 2012) (holding that contacts with forum state law enforcement officials that were incidental to extradition were insufficient to establish purposeful availment), report and recommendation adopted by 2012 WL 693525; *Ray v.*

*Simon*, No. 07-CV-1143, 2008 WL 5412067, at \*16 (D.S.C. Dec. 24, 2008) (rejecting personal jurisdiction where the “only asserted contacts” that New Jersey law enforcement officials had with South Carolina were the filing of “various forms” and “multiple telephone calls” to South Carolina); *Hicks*, 2010 WL 5067611, at \*5 (conversations with forum state law enforcement officials insufficient to demonstrate purposeful availment where forum state official located plaintiff in the forum state and initiated contact with out-of-state officials responsible for warrant); *Snyder*, 2007 WL 894415, at \*4 (“[T]he warrant, fax, and alleged transfer of information are not enough to establish that defendants have availed themselves of the benefits and protections of [the forum state].”); *Williams v. Cook County Sheriff's Dep't*, No. 93-CV-212, 1995 WL 75386, at \*2 (N.D.Ill. Feb. 22, 1995) (“[A] phone call by a law enforcement official from one state notifying a law enforcement agency in another state of the apprehension of a wanted person does not give rise to minimum contacts sufficient to subject the law enforcement officer to personal jurisdiction in the foreign state where the law enforcement agency is located.”).

*Doe v. Delaware State Police*, 939 F. Supp. 2d 313, 334 – 35 (S.D.N.Y. 2013).

The gravamen of the aforementioned decisions is this: direct, significant and continuous involvement in the efforts to transfer of an individual from the forum

state to the state where the defendant(s) reside is required to establish personal jurisdiction; indirect, singular, responsive and ministerial actions are insufficient. Wilkins' and Hobbs' conduct in the instant case falls into the latter category. Their limited involvement in the extradition of Soler took place exclusively in Arkansas, was ministerial and responsive. Thus, the Ninth Circuit should have upheld their dismissal for lack of personal jurisdiction. Its failure to do so was inconsistent with the letter and spirit of its own prior decision, the decisions of other circuits, and the decisions of this Court in analogous cases.

**III. THIS CASE IMPLICATES IMPORTANT CONSTITUTIONAL RIGHTS WHERE THERE IS A NEED FOR UNIFORMITY AND LAW ENFORCEMENT'S CAPACITY TO OPERATE EFFICIENTLY.**

The issues presented by this case are not ones where inconsistent outcomes between jurisdictions can be justified based on state law differences or any other basis. The right to due process under the Fourteenth Amendment is an important federal constitutional right afforded to all citizens of this country and as such, it must be applied consistently and fairly throughout the country.

Fundamental fairness is the heart of the clause which is intended to "protect the defendant against the burdens of litigating in a distant or inconvenient forum," *World-Wide Volkswagen*, 444 U.S. at 292. The

Ninth Circuit's decision is not only unfair to the defendants involved in this case, it lays the groundwork for similar unfair outcomes in similar cases involving law enforcement officials in the future. Such unfair outcomes threaten the willingness and ability of law enforcement officials to perform their functions.

Under the logic of the panel's decision, out of state employees and law enforcement officials can be easily haled into court based on any contact, even indirect contact, with the forum state as part of carrying out their everyday job duties. If left uncorrected, such a decision creates a danger of frequent interruptions of law enforcement operations when officials are required to travel to other states for litigation. Further, officials could be deterred cooperating and coordinating with their counterparts in other states for fear of being haled into foreign courts based on even the slightest interactions with foreign officials. To prevent this outcome and ensure that law enforcement officers, regardless of their state of employment, receive the full protection of the Due Process Clause, the Ninth Circuit's decision should be reversed.

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## **CONCLUSION**

For the foregoing reasons, Petitioners respectfully submit that this petition for certiorari should be granted, and the judgment of the Ninth Circuit Court of Appeals reversed.

Dated: September 3, 2019

Respectfully Submitted,

EDGAR R. NIELD  
NIELD LAW GROUP, APC  
679 Encinitas Boulevard, Suite 201  
Encinitas, CA 92024  
(760) 942-9880  
[enield@nieldlaw.com](mailto:enield@nieldlaw.com)

*Counsel for Petitioner*