

1 On June 11, 2020, Plaintiffs filed a motion for preliminary injunction. Dkt. 15.
2 On July 6, 2020, Governor Inslee responded and in relevant part argued that he is
3 immune from suit under the Eleventh Amendment and is not subject to the exception set
4 forth in *Ex parte Young*, 209 U.S. 123 (1908). Dkt. 18 at 21–22. The Court has
5 concluded that this position is valid, warrants denial of a similar preliminary injunction,
6 and could divest the Court of jurisdiction to consider Plaintiffs’ claims. *See MacEwen v.*
7 *Inslee*, C20-5423BHS, Dkt. 43 (W.D. Wash. July 24, 2020) (order denying preliminary
8 injunction and to show cause regarding jurisdiction).

9 “Eleventh Amendment sovereign immunity limits the jurisdiction of the federal
10 courts and can be raised by a party at any time during judicial proceedings or by the court
11 sua sponte.” *In re Jackson*, 184 F.3d 1046, 1048 (9th Cir. 1999).

12 In this case, the Court raises the issue of Eleventh Amendment sovereign
13 immunity sua sponte and orders any party to show cause why Plaintiffs’ complaint
14 should not be dismissed without prejudice for lack of jurisdiction. Failure to show
15 adequate cause or otherwise respond will result in dismissal without prejudice. Any party
16 may show cause no later than July 31, 2020.

17 **IT IS SO ORDERED.**

18 Dated this 24th day of July, 2020.

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21 BENJAMIN H. SETTLE
22 United States District Judge