

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Bobby Francis Lowry, V. v. University of Arizona Global Campus

Lowry v. University of Arizona Global Campus · No. CV-25-00666-TUC-JCH · Decided February 12, 2026

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Bobby Francis Lowry, V, No. CV-25-00666-TUC-JCH 10 Plaintiff, ORDER 11 v.
12 University of Arizona Global Campus, 13 Defendant. 14 15 Before the Court is pro se Plaintiff
Bobby Francis Lowry’s Complaint alleging 16 violation of due process under 42 U.S.C. § 1983,
breach of contract, and negligence against 17 Defendant University of Arizona Global Campus
(Doc.

1). Plaintiff also filed an 18 Application to Proceed in District Court Without Prepaying Fees or
Costs (“Application”) 19 (Doc. 2). For the following reasons, the Court will grant the Application
and dismiss the 20 Complaint and this case. 21 I. Application to Proceed In District Court Without
Prepaying Fees and Costs 22 The Application indicates Plaintiff has insufficient funds to pay the
filing fee.

Good 23 cause appearing, the Court will grant the Application. 24 II. Statutory Screening of In
Forma Pauperis Complaints 25 Under 28 U.S.C. § 1915(e)(2), in a case in which a plaintiff has
been granted in 26 forma pauperis status, the Court must screen the Complaint and dismiss the
case “if the 27 court determines that... (B) the action... (i) is frivolous or malicious; (ii) fails to
state a 28 claim on which relief may be granted; or (iii) seeks monetary relief against a defendant
1 who is immune from such relief.” 2 A pleading must contain a “short and plain statement of the
claim showing that the 3 pleader is entitled to relief.” Fed.

R. Civ. P. 8(a)(2). “[A] complaint must contain sufficient 4 factual matter, accepted as true, to
‘state a claim to relief that is plausible on its face.’” 5 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
(quoting *Bell Atlantic Corp. v. Twombly*, 6 550 U.S. 544, 570 (2007)). A claim is plausible “when
the plaintiff pleads factual content 7 that allows the court to draw the reasonable inference that the
defendant is liable for the 8 misconduct alleged.” *Id.* 9 Still, the Court must “construe pro se
filings liberally.” *Hebbe v. Pliler*, 627 F.3d 10 338, 342 (9th Cir.

2010). A “complaint [filed by a pro se litigant] ‘must be held to less 11 stringent standards than
formal pleadings drafted by lawyers.’” *Id.* (quoting *Erickson v. 12 Pardus*, 551 U.S. 89, 94 (2007)
(per curiam)). If the Court determines a complaint could 13 be cured by the allegation of
additional facts, a pro se litigant is entitled to an opportunity 14 to amend that complaint before
dismissal of the action.

See *Lopez v. Smith*, 203 F.3d 1122, 15 1127–29 (9th Cir. 2000) (en banc). 16 III. Analysis 17 Plaintiff brings a three-count Complaint against Defendant for violation of due 18 process under 42 U.S.C. § 1983, breach of contract, and negligence. Doc. 1.

The Complaint 19 alleges Plaintiff “enrolled as a student at the University of Arizona Global Campus.” Id. at 20 1. Plaintiff was required to verify his identity and attempted to do so by uploading proof of 21 his driver’s license. Id. “Despite multiple attempts and communications, Defendant’s 22 system failed to accept or Process [Plaintiff’s proof of identity].” Id. Defendant 23 subsequently “dismissed Plaintiff from enrollment,” citing Plaintiff’s failure to verify his 24 identity.

Id. As a result of his unenrollment, “Plaintiff lost tuition, book expenses, and 25 income due to class attendance obligations, and suffered significant emotional distress and 26 anxiety attempting to resolve the issue.” Id. 27 /// 28 /// 1 A. Violation of Due Process 2 Plaintiff alleges Defendant violated his due process rights under 42 U.S.C. § 1983 3 because “Defendant, acting under color of state law, deprived Plaintiff of his property 4 interest in continued enrollment without providing adequate notice or opportunity to be 5 heard, in violation of the Fourteenth Amendment.” Doc.

1 at 2. 6 The Due Process Clause of the Fourteenth Amendment provides that no state shall 7 “deprive any person of life, liberty, or property, without due process of law.” U.S. Const. 8 amend. IV § 1. Because the Fourteenth Amendment does not supply the meaning of 9 property, property interests are “defined by existing rules or understandings that stem from 10 an independent source such as state law—rules or understandings that secure certain 11 benefits and that support claims of entitlement to those benefits.” Bd. of Regents of State 12 Colls. v. Roth, 408 U.S. 564, 577 (1972).

To have a property interest in something, a person 13 must “‘have a legitimate claim of entitlement to it,’ not just ‘an abstract need or desire for 14 it.’” *Dudley v. Boise State Univ.*, 152 F.4th 981, 990 (9th Cir. 2025). 15 The Supreme Court has never held that there is a fundamental right to education. 16 See *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 37 (1973) (“We have carefully 17 considered each of the arguments supportive of the District Court’s finding that education 18 is a fundamental right or liberty and have found those arguments unpersuasive.”); see also 19 *Hiller v. Ariz. Bd.*

Of Regents, No. CV-22-00554-PHX-SMB, 2022 WL 9406631, 20 at *10–11 (D. Ariz. Oct. 14, 2022). Accordingly, to establish a right to enrollment at a 21 public institution of higher education, a plaintiff would need to establish such a right under 22 state law. See *Bd. of Curators of Univ. of Mo. v. Horowitz*, 435 U.S. 78, 82 (1978). Arizona 23 law does not create a property right in higher education.

See *Carpio v. Tucson High Sch.* 24 Dist., 111 Ariz. 127, 130, 524 P.2d 948, 951 (1974) (the right to education in Arizona “only 25 extend[s] to a uniform, free [kindergarten through high school] system open six months a 26 year to all persons between the ages of six and twenty-one years”); see also *Schwake v. 27 Ariz. Bd. of Regents*, 821 F. App’x 768, 770 (9th Cir.

2020) (“[Plaintiff] asserted a property 28 interest in his education and lab access, but he failed to identify any basis pursuant to 1 Arizona law that recognizes a property interest in either.”); *Unknown Party v. Ariz. Bd. of 2 Regents*, No. CV-18-01623-PHX-DWL, 2019 WL 7282027, at *10 (D. Ariz. Dec. 27, 3 2019) (finding no right to attend Arizona State University under Arizona law).

4 Plaintiff alleges he has a property right in his “continued enrollment” at the 5 University of Arizona Global Campus but does not provide a basis for such a right in 6 Arizona law. The Court has similarly been unable to find support for this assertion, and 7 courts have repeatedly held that there is no right to higher education under Arizona law. 8 Accordingly, the cancelation of Plaintiff’s enrollment was not a violation of his due process 9 rights under the Fourteenth Amendment, and Plaintiff fails to state a claim on this count.

10 B. Breach of Contract and Negligence 11 Plaintiff also alleges Defendant breached the terms of its student enrollment 12 agreement and negligently handled Plaintiff’s identity verification documents. Both claims 13 sound in state law. 14 Federal courts are courts of limited jurisdiction. A federal basis, via either diversity 15 of citizenship or federal question, is required for a federal court to adjudicate a case.

See 16 *Newtok Vill. v. Patrick*, 21 F. 4th 608, 615 (9th Cir. 2021). Here, Plaintiff alleges federal 17 question jurisdiction. A court has federal question jurisdiction when an action arises under 18 the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. When a district 19 court has original jurisdiction over an action, such as an action brought under federal law, 20 28 U.S.C. § 1367 allows the court to exercise supplemental jurisdiction over state law 21 claims that “are so related to claims in the action within such original jurisdiction that they 22 form part of the same case or controversy under Article III of the United States 23 Constitution.” 28 U.S.C. § 1367(a).

A district court can decline to exercise supplemental 24 jurisdiction when the court has “dismissed all claims over which it has original 25 jurisdiction.” § 1367(c)(3). 26 Plaintiff has no federal claim. Because Plaintiff’s attempt to state a federal law claim 27 has failed at the screening stage, it is unclear whether the Court has original jurisdiction 28 over this case.

Regardless, because the case has not progressed past screening, the Court 1 || would decline to use its discretion under 28 U.S.C. § 1367(c)(3) to exercise supplemental || jurisdiction over Plaintiff’s state law claims. See *Sanford v. Member Works, Inc.*, 625 F.3d || 550, 561 (9th Cir. 2010)

(ordinarily when “all federal-law claims are eliminated before 4|| trial” a court should decline jurisdiction over the remaining state law claims).

Accordingly, 5 || the Court will dismiss the Complaint in its entirety. 6|| IV. No Leave to Amend 7
Though a pro se plaintiff is ordinarily entitled to an opportunity to amend his 8 || complaint before
dismissal of the action, see *Lopez*, 203 F.3d at 1127-29, a court is not || required to grant leave to
amend when doing so would be futile. See *AmeriSourceBergen Corp. v. Dialysist W., Inc.*, 465
F.3d 946, 951 (9th Cir.

2006). Here, because there is no 11 ||} right to higher education under Arizona law, the Court finds
Plaintiff could not allege 12 || additional facts to state a due process claim. Without a viable
federal claim, the Court will 13 || not exercise jurisdiction over this case.

Accordingly, amendment is futile, and the Court will dismiss this case in its entirety. 15}, V. Order
16 Accordingly, 17 IT IS ORDERED granting Plaintiff's Application to Proceed In District Court
18 || Without Prepaying Fees or Costs (Doc. 2). 19 IT IS FURTHER ORDERED dismissing the
Complaint (Doc. 1) and this case in 20|| its entirety.

The Clerk of Court is directed to enter judgment accordingly and close this case. 22 Dated this
12th day of February, 2026. 23 24 / A %6 / / John C. Hinderaker _/United States District Judge 27
28 _5-