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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 MANUEL ALVAREZ CABELLO

8 RAMIREZ,

9 Plaintiff,

10 v.

11 ANDROID,

12 Defendant.

Case No. [17-cv-03547-EMC](#)

RELATED CASE

Case No. [17-cv-03570-EMC](#)

**ORDER DISMISSING AMENDED
COMPLAINTS**

Docket No. 15, C-17-3547

Docket No. 16, C-17-3570

13
14 MANUEL ALVAREZ CABELLO

15 RAMIREZ,

16 Plaintiff,

17 v.

18 GOOGLE INC.,

19 Defendant.

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21 Plaintiff Manuel Alvarez Cabello Ramirez, proceeding pro se,¹ initiated the above-
22 referenced actions as patent infringement actions. Judge Laporte granted his application to
23 proceed in forma pauperis but ultimately recommended, pursuant to 28 U.S.C. § 1915(e), that his
24 cases be dismissed for failure to state any plausible claim for relief. This Court adopted Judge
25 Laporte's recommendation and dismissed the cases but gave Mr. Ramirez leave to amend. Mr.

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28 ¹ Mr. Ramirez is currently incarcerated. According to Mr. Ramirez, in November 2016, he was
pulled over for a traffic violation and, because he was not able to provide "proper documentation,"
he was arrested and is "now facing possible deportation."

1 Ramirez has now filed an amended complaint in each action and the Court reviews those
2 pleadings pursuant to § 1915(e).

3 The content of the amended complaints are essentially the same. In Case No. C-17-3547
4 EMC, Mr. Ramirez alleges that, in August 2016, he used his cell phone and his e-mail address to
5 provide “upgraded software to Android for contract pay.” However, because he is an
6 “undocumented immigrant,” he was not able to give Android the documentation needed to receive
7 “proper compensation for work provided.” Mr. Ramirez adds that, because of the services
8 provided to Android, he should be deemed “a current employee” and the Court should order
9 Android to provide him with “an e-verify²] or HB-1 work visa” as well as “proper compensation
10 for work provided.” In Case No. C-17-3570 EMC, Mr. Ramirez makes the same allegations but
11 with respect to Google instead of Android.

12 As the complaints currently stand, there are insufficient allegations to show that this Court
13 has subject matter jurisdiction over the cases. In general, “original federal subject matter
14 jurisdiction may be premised on two grounds”: (1) federal question jurisdiction and (2) diversity
15 jurisdiction. *Tourigny v. Symantec Corp.*, 110 F. Supp. 3d 961, 962 (N.D. Cal. 2015) (Cousins,
16 J.). District courts have federal question jurisdiction over “all civil actions arising under the
17 Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. District courts have
18 diversity jurisdiction over “all civil actions where the matter in controversy exceeds the sum or
19 value of \$75,000, exclusive of interest and costs,” and the action is, *e.g.*, between “citizens of
20 different states” or between “citizens of a State and citizens or subjects of a foreign state.” *Id.* §
21 1332(a).

22 In the instant cases, Mr. Ramirez has not invoked any federal law to support his claim that
23 Android and/or Google³ are liable to him. Accordingly, there does not appear to be federal
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26 ² According to the USCIS website, “E-Verify is an Internet-based system that allows businesses to
determine the eligibility of their employees to work in the United States.”
<https://www.uscis.gov/e-verify> (last visited August 31, 2017).

27 ³ The Court notes that Android does not appear to be a legal entity separate and distinct from
28 Google. See <http://www.businessinsider.com/how-android-was-created-2015-3> (last visited
August 31, 2017) (noting that Google acquired Android).

1 question jurisdiction over Mr. Ramirez’s cases. As for diversity jurisdiction, even accepting that
2 Mr. Ramirez (as an alien) has a different citizenship from Android and/or Google, *see Google Inc.*
3 *v. Eolas Techs., Inc.*, No. 15-cv-05446-JST, 2016 U.S. Dist. LEXIS 78842, at *2 (N.D. Cal. June
4 16, 2016) (indicating that Google is incorporated in Delaware and has its principal place of
5 business in California), the amount in controversy does not appear to exceed \$75,000. Mr.
6 Ramirez states no allegations establishing the amount in controversy.

7 Accordingly, the Court hereby **DISMISSES** the amended complaints in the above-
8 referenced actions. The Court shall give Mr. Ramirez one final opportunity to amend his
9 complaints. If Mr. Ramirez files amended complaints, he must make clear what is the basis for
10 subject matter jurisdiction and include factual allegations to support the assertion of subject matter
11 jurisdiction.

12 **Mr. Ramirez shall have until November 6, 2017, to file amended pleadings. If**
13 **amended complaints are not filed by this date, then the Clerk of the Court shall enter final**
14 **judgment in accordance with this order and close the file in this case.**

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16 **IT IS SO ORDERED.**

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18 Dated: August 31 2017

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20 EDWARD M. CHEN
21 United States District Judge
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