

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KASRA ELIASIEH,
Plaintiff,
v.
LEGALLY MINE, LLC,
Defendant.

Case No. [18-cv-03622-JSC](#)

**ORDER TO SHOW CAUSE RE:
JURISDICTION**

Re: Dkt. No. 1

Plaintiff Kasra Eliasieh brings various state law claims against Defendant Legally Mine, LLC as a putative class action arising from Plaintiff’s purchase of an asset protection plan. (Dkt. No. 1.)¹ The Court has an independent obligation to satisfy itself that it has federal subject matter jurisdiction. *Valdez v. Allstate*, 372 F.3d 1115, 1116 (9th Cir. 2004); see also *Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012) (“When a requirement goes to subject matter jurisdiction, courts are obligated to consider sua sponte issues that the parties have disclaimed or have not presented . . . Subject matter jurisdiction can never be waived or forfeited”).

Plaintiff, as “[t]he party seeking to invoke the district court’s diversity jurisdiction . . . bears the burden of . . . pleading . . . diversity jurisdiction.” *NewGen, LLC v. Safe Cig, LLC*, 840 F.3d 606, 613-14 (9th Cir. 2016). Plaintiff alleges that the Court has diversity jurisdiction under 28 U.S.C. § 1332(a) “because the citizenship of the parties is completely diverse and the amount in controversy exceeds \$75,000.” (Dkt. No. 1 at ¶ 1.) This conclusory allegation—devoid of any connection to the facts—is insufficient to satisfy Plaintiff’s burden. See *Matheson v. Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1091 (9th Cir. 2003) (“Conclusory allegations as to the amount

¹ Record citations are to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

1 in controversy are insufficient.”).

2 The complaint does not contain a demand for a particular amount of damages and does not
3 otherwise allege facts satisfying the amount-in-controversy requirement. Instead, Plaintiff alleges
4 that he paid \$7,800 to Defendant for the asset protection plan on October 13, 2016. (Dkt. No. 1 at
5 ¶ 23.) There are no other facts alleged in the complaint that make it self-evident that diversity
6 jurisdiction is satisfied. Plaintiff’s complaint therefore fails to allege diversity jurisdiction because
7 it is not apparent that the matter in controversy—concerning a \$7,800 purchase—exceeds \$75,000.

8 Accordingly, Plaintiff is ORDERED TO SHOW CAUSE as to how the Court has subject
9 matter jurisdiction over this action. **Plaintiff shall show cause in writing on or before April 11,**
10 **2019.** Defendant may reply by April 17, 2019.

11 **IT IS SO ORDERED.**

12 Dated: April 3, 2019

13 
14 _____
15 JACQUILINE SCOTT CORLEY
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26
27
28