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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELINA RAZAVI,
Plaintiff,

v.

CARLOS COTI, et al.,
Defendants.

Case No.17-cv-04341-HRL

**ORDER THAT CASE BE REASSIGNED
TO A DISTRICT JUDGE**

**ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS**

REPORT AND RECOMMENDATION

Re: Dkt. Nos. 1, 2

Pro se plaintiff Melina Razavi (“Razavi”) sues Defendants Carlos Coti, Geico Insurance, Progressive Insurance, Tony Soria, John Sgalio, and Stephanie Church for fraud, breach of contract, and other claims related to an automobile accident. Dkt. No. 1. Razavi also seeks leave to proceed in forma pauperis (“IFP”).

For the reasons explained below, the court grants the IFP application. As no party has yet consented to or declined the undersigned’s jurisdiction, the court orders that this case be reassigned to a district judge. The undersigned also recommends that the newly assigned district judge dismiss the case for lack of subject-matter jurisdiction.

A court may authorize the commencement of a civil action in forma pauperis (“IFP”) if the court is satisfied that the applicant cannot pay the requisite filing fees. 28 U.S.C § 1915(a)(1). In evaluating such an application, the court should “grant[] or deny[] IFP status based on the plaintiff’s financial resources alone and then independently determine[] whether to dismiss the complaint on the grounds that it is frivolous.” *Franklin v. Murphy*, 745 F.2d 1221, 1226-27 n.5 (9th Cir. 1984). A court may dismiss a case filed without the payment of the filing fee whenever it determines that the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief

1 may be granted; or (iii) seeks monetary relief against a defendant who is immune from such
2 relief.” 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). Additionally, “federal courts have an independent
3 obligation to ensure that they do not exceed the scope of their jurisdiction.” *Henderson ex rel.*
4 *Henderson v. Shinseki*, 562 U.S. 428, 434 (2011). Razavi qualifies financially for IFP status, and
5 her IFP application therefore is granted. Even so, she has not sufficiently alleged the existence of
6 federal subject-matter jurisdiction over this matter.

7 The two principal grounds for federal jurisdiction include (1) federal question jurisdiction
8 and (2) diversity jurisdiction. Plaintiff does not allege a violation of any federal right or of any
9 specific federal statute or Constitutional provision, and so the only grounds for federal jurisdiction
10 in this case can be diversity jurisdiction. To properly allege jurisdiction premised on diversity of
11 citizenship, the plaintiff must allege damages in excess of \$75,000 and complete diversity of
12 citizenship between the parties—that is, each defendant must be a citizen of a different state from
13 each plaintiff. *See* 28 U.S.C. § 1332; *Moss v. Infinity Ins. Co.*, No. 15-cv-03456-JSC, 2015 WL
14 5360294 (N.D. Cal. Sept. 14, 2015). The amount in controversy is generally determined from the
15 face of the pleadings. *Crum v. Circus Circus Enters.*, 231 F.3d 1129, 1131 (9th Cir. 2000).

16 Razavi seeks damages for the uncompensated damage to her car and for her own injuries
17 sustained during the accident and resulting from Defendants’ subsequent conduct. Beyond the
18 conclusory statement that “this case is worth over \$75,000,” however, Razavi does not assign any
19 specific monetary amounts or dollar values to any of her injuries. Razavi’s conclusory statement
20 that the case exceeds \$75,000 is insufficient. As a result of the lack of detail in her other
21 allegations, the court is unable to draw any conclusions about the amount in controversy. As it is
22 not apparent that the amount in controversy exceeds \$75,000, the complaint fails to adequately
23 allege diversity jurisdiction.

24 The complaint also fails to adequately allege complete diversity of citizenship between the
25 parties. Plaintiffs must generally affirmatively allege the actual citizenship of the relevant parties.
26 *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). For purposes of diversity of
27 citizenship, an individual is a citizen of his or her state of domicile (i.e., where the person has
28 established a home and intends to remain). *Lew v. Moss*, 797 F.2d 747, 750 (9th Cir. 1986). A

1 corporation is a citizen of its state of incorporation and the state in which its principal place of
2 business is located. 28 U.S.C. 1332(c). Here, Razavi alleges solely that “defendants do business
3 out of state and have out of state locations.” Dkt. No. 1. She does not allege the specific
4 citizenship of any of the Defendants, failing to state the places of domicile for the individual
5 Defendants and the places of incorporation and principal places of business for the entity
6 Defendants.

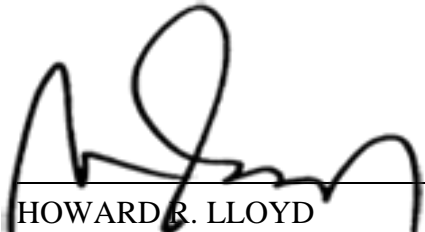
7 **CONCLUSION**

8 The undersigned grants Razavi’s application to proceed in forma pauperis and orders that
9 this case be reassigned to a district judge. Razavi has failed to allege diversity of citizenship, and
10 so the undersigned recommends that the court dismiss her complaint. Because it is possible that
11 diversity jurisdiction may exist in this matter, the undersigned recommends that Razavi be granted
12 leave to file an amended complaint.

13 Any party may serve and file objections to this Report and Recommendation within
14 fourteen days after being served. Fed. R. Civ. P. 72.

15 **IT IS SO ORDERED.**

16 Dated: 8/2/2017

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20 HOWARD R. LLOYD
21 United States Magistrate Judge
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