



1 The proposed amended complaint, however, still shows the parties are not  
2 diverse. Santos is suing both Office Depot and its store manager, Alberto  
3 Castellanos. She admits Castellanos resides and works in California, and she has  
4 no reason to believe he is a citizen of some other state or country. (Proposed  
5 Second Amended Complaint, ¶ 3.) Even assuming Castellanos were a citizen of  
6 some other country, under 28 U.S.C. § 1332(a)(2) he would be treated as a  
7 California citizen for purposes of diversity jurisdiction. She also speculates that he  
8 may be present in the U.S. illegally, which would provide an exception to  
9 § 1332(a)(2), but she does not allege this, and identifies no reason to believe this  
10 is so.

11 Santos suggests that discovery might eventually show that the parties are  
12 diverse. Even if the Court were to construe Santos' remarks as a request for early  
13 discovery to investigate whether Castellanos is living and working illegally in the  
14 U.S., the request would be denied. Santos has not established good cause for  
15 such intrusive discovery, and the standard for granting it is clearly not met here.  
16 *See Semitool, Inc. v. Tokyo Electron Am., Inc.* 208 F.R.D. 273, 275–76 (N.D. Cal.  
17 2002); *Columbia Ins. Co. v. seescandy.com*, 185 F.R.D. 573, 577–78 (N.D. Cal.  
18 1999) (citing *Wells Fargo & Co. v. Wells Fargo Exp. Co.*, 556 F.2d 406, 430 n.24  
19 (9<sup>th</sup> Cir. 1977)). This is particularly true here, where the case was dismissed without  
20 prejudice to its being filed in a court that could exercise jurisdiction over Santos'  
21 claims.

22 The motion is **DENIED**, and the Clerk is directed to close the docket.

23  
24 **IT IS SO ORDERED.**

25 Dated: May 3, 2018

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28 Hon. Larry Alan Burns  
United States District Judge