

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Robert Ibarra Jr. v. General Motors LLC

Ibarra · No. 2:25-cv-07009-FLA (AJRx) · Decided August 20, 2025

OPINION

Robert Ibarra Jr. v. General Motors LLC

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 11 ROBERT IBARRA JR., Case No. 2:25-cv-07009-FLA (AJRx) 12 Plaintiff,

ORDER TO SHOW CAUSE WHY

13 v. ACTION SHOULD NOT BE

REMANDED FOR LACK OF

14

SUBJECT MATTER JURISDICTION

GENERAL MOTORS LLC, et al., 15 Defendants. 16 17 18 19 20 21 22 23 24 25 26 27 28 1
Federal courts are courts of “limited jurisdiction,” possessing only “power 2 authorized by the
Constitution and statute[.]” Kokkonen v. Guardian Life Ins. Co. of 3 Am., 511 U.S. 375, 377
(1994); U.S. Const. art. III, § 2, cl. 1. Courts are presumed to 4 lack jurisdiction unless the
contrary appears affirmatively from the record. See 5 DaimlerChrysler Corp. v. Cuno, 547 U.S.
332, 342 n. 3 (2006). Additionally, federal 6 courts have an obligation to examine jurisdiction sua
sponte before proceeding to the 7 merits of a case. See Ruhrgas AG v. Marathon Oil Co., 526 U.S.
574, 583 (1999). 8 A suit filed in a state court may be removed to federal court if the federal court
9 would have had original jurisdiction over the suit. 28 U.S.C. § 1441(a). Federal 10 courts have
original jurisdiction where an action presents a federal question under 28 11 U.S.C. § 1331, or
where diversity of citizenship exists under 28 U.S.C. § 1332. 12 Accordingly, a defendant may
remove an action from state court to federal court 13 pursuant to the federal removal statute, 28
U.S.C. § 1441, on the basis of a federal 14 question or diversity jurisdiction. Of relevance here,
claims filed under the 15 Magnuson-Moss Warranty Act do not trigger federal question
jurisdiction unless the 16 amount in controversy is equal to or greater than “the sum or value of
\$50,000 17 (exclusive of interests and costs) computed on the basis of all claims to be determined
18 in [the] suit.” 15 U.S.C. § 2310(d)(3)(B); Khachatryan v. BMW of N. Am., LLC, Case
19 No. 2:21-cv-01290-PA (PDx), 2021 WL 927266, at *2 (C.D. Cal. Mar. 10, 2021).
20 Pursuant to 28 U.S.C. § 1446(b)(1) (“Section 1446”), a notice of removal must 21 be filed

within thirty (30) days after a defendant receives the initial pleading or 22 summons. “If a notice of removal is filed after this thirty-day window, it is untimely 23 and remand to state court is therefore appropriate.” *Babasa v. LensCrafters, Inc.*, 498 F.3d 972, 974 (9th Cir. 2007). 25 Courts strictly construe the removal statute against removal jurisdiction, and 26 “[f]ederal jurisdiction must be rejected if there is any doubt as to the right of removal 27 in the first instance.” *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). The 28 party seeking removal bears the burden of establishing federal jurisdiction. *Id.* Thus, 1 a notice removing an action from state court to federal court must include “a plausible 2 allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 89 (2014). Where “the 4 plaintiff contests, or the court questions, the defendant’s allegation” concerning the 5 amount in controversy, “both sides [shall] submit proof,” and the court may then 6 decide whether the defendant has proven the amount in controversy “by a 7 preponderance of the evidence.” *Id.* at 88–89. 8 The court has reviewed the Notice of Removal and is presently unable to 9 conclude it has subject matter jurisdiction. In particular, and without limitation, the 10 court finds that the allegations in Defendant’s Notice of Removal do not demonstrate 11 by a preponderance of the evidence that the amount in controversy exceeds \$50,000. 12 Additionally, the court is presently unable to conclude this action was removed within 13 thirty (30) days of receipt of the initial pleading or summons, as required under 14 Section 1446.

15 The parties are ORDERED TO SHOW CAUSE, in writing only, within 16 fourteen (14) days from the date of this Order, why this action should not be remanded 17 for lack of subject matter jurisdiction because the amount in controversy does not 18 exceed the jurisdictional threshold and removal was untimely. The parties are 19 encouraged to submit evidence and/or judicially noticeable facts in response to the 20 court’s Order. Responses shall be limited to ten (10) pages in length. The parties 21 should consider this Order to be a two-pronged inquiry into the facial and factual 22 sufficiency of Defendant’s demonstration of jurisdiction. See *Leite v. Crane Co.*, 749 F.3d 1117, 1122 (9th Cir. 2014). 24 / / / 25 / / / 26 / / / 27 28 I As Defendant is the party asserting federal jurisdiction, Defendant’s failure to 2 | respond timely and adequately to this Order shall result in remand of the action 3 | without further notice. 4 5 IT IS SO ORDERED. 6 7 || Dated: August 20, 2025

° FERNANDO L. AENLLB-ROCHA

10 United States District Judge 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28