

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Gary Long v. Nissan North America, Inc., et al.

No. 5:26-cv-00185-FLA (ASx), United States District Court for the Central District of California (January 28, 2026)

SUMMARY

The United States District Court for the Central District of California issued an order to show cause questioning whether it has subject matter jurisdiction over a removed Magnuson-Moss Warranty Act action. The court concluded that the Notice of Removal did not demonstrate by a preponderance of the evidence that the amount in controversy exceeds the \$50,000 jurisdictional threshold. The parties were ordered to submit written responses within fourteen days, with a warning that the action would be remanded if the defendant failed to respond adequately and timely.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando L. Aenlle-Rocha
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 28, 2026
DOCKET	5:26-cv-00185-FLA (ASx)
DISPOSITION	other
PROCEDURAL POSTURE	After defendants removed the action from state court, the district court sua sponte questioned whether federal subject matter jurisdiction existed and ordered the parties to show cause why the action should not be remanded.
STANDARD OF REVIEW	The court independently examines subject matter jurisdiction sua sponte. When the plaintiff contests or the court questions the amount-in-controversy allegation, the removing defendant must prove the jurisdictional amount by a preponderance of the evidence.
PRECEDENTIAL VALUE	Unknown; interlocutory district court order

TOPICS

- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

federal jurisdiction

removal and remand

consumer protection

civil procedure

QUESTIONS PRESENTED

1. Whether the Notice of Removal plausibly and factually established federal subject matter jurisdiction.
2. Whether defendants demonstrated by a preponderance of the evidence that the amount in controversy exceeded the \$50,000 threshold applicable to the Magnuson-Moss Warranty Act claim.
3. Whether the action should be remanded for lack of subject matter jurisdiction.

HOLDINGS

1. A federal district court must examine its subject matter jurisdiction sua sponte before proceeding to the merits and may require proof supporting the asserted basis for federal jurisdiction.
2. A Magnuson-Moss Warranty Act claim does not trigger federal question jurisdiction unless the amount in controversy is at least \$50,000, exclusive of interest and costs; when the amount is questioned, the removing defendant must prove that threshold by a preponderance of the evidence.
3. The present record did not establish federal subject matter jurisdiction sufficiently to permit the court to proceed without further submissions, so the parties were ordered to show cause why the action should not be remanded.

KEY QUOTATIONS

“Courts are presumed to lack jurisdiction unless the contrary appears affirmatively from the record.” (at 1)

“federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.” (at 1)

FACTUAL BACKGROUND

Defendants removed an action involving claims apparently asserted under the Magnuson-Moss Warranty Act. The Notice of Removal did not, in the court's present assessment, demonstrate by a preponderance of the evidence that the amount in controversy exceeded \$50,000. The court therefore questioned whether federal subject matter jurisdiction existed.

PROCEDURAL HISTORY

Defendants removed the action to the Central District of California. The court reviewed the Notice of Removal and found that it was presently unable to conclude that subject matter jurisdiction existed because defendants had not demonstrated by a preponderance of the evidence that the amount in controversy exceeded the applicable threshold. The court ordered written responses within fourteen days and warned that an untimely or inadequate response by defendants would result in remand without further notice.

DISPOSITION

other

REMAND INSTRUCTIONS

The parties must file written responses within fourteen days of the January 28, 2026 order explaining why the action should not be remanded for lack of subject matter jurisdiction. Responses may include evidence and judicially noticeable facts, are limited to ten pages, and must address both the facial and factual sufficiency of defendants' jurisdictional showing. Defendants' failure to respond timely and adequately will result in remand without further notice.

CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 342 n. 3 (2006)
- Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999)
- Khachatryan v. BMW of N. Am., LLC, Case No. 2:21-cv-01290-PA (PDx), 2021 WL 927266, at *2 (C.D. Cal. Mar. 10, 2021)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Dart Cherokee Basin Operating Co. v. Owens, 574 U.S. 81, 88-89 (2014)
- Leite v. Crane Co., 749 F.3d 1117, 1122 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 GARY LONG, Case No. 5:26-cv-00185-FLA (ASx) 12 Plaintiff, ORDER
TO SHOW CAUSE WHY 13 v. ACTION SHOULD NOT BE REMANDED FOR LACK OF 14
SUBJECT MATTER JURISDICTION NISSAN NORTH AMERICA, INC., 15 et al., 16
Defendants. 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 Courts strictly construe the removal statute against removal jurisdiction, and 21 “[f]ederal jurisdiction must be rejected if there is any doubt as to the right of removal 22 in the first instance.” *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).

The 23 party seeking removal bears the burden of establishing federal jurisdiction. *Id.* Thus, 24 a notice removing an action from state court to federal court must include “a plausible 25 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 27 plaintiff contests, or the court questions, the defendant’s allegation” concerning the 28 amount in controversy, “both sides [shall] submit proof,” and the court may then | | decide whether the defendant has proven the amount in controversy “by a 2 | preponderance of the evidence.” *Jd.* at 88-89.

3 The court has reviewed the Notice of Removal and is presently unable to 4 || conclude it has subject matter jurisdiction. In particular, and without limitation, the 5 | court finds that the allegations in Defendant’s Notice of Removal do not demonstrate 6 | by a preponderance of the evidence that the amount in controversy exceeds \$50,000. 7 The parties are ORDERED TO SHOW CAUSE, in writing only, within 8 | fourteen (14) days from the date of this Order, why this action should not be remanded 9 | for lack of subject matter jurisdiction because the amount in controversy does not 10 | exceed the jurisdictional threshold.

The parties are encouraged to submit evidence 11 || and/or judicially noticeable facts in response to the court’s Order. Responses shall be 12 | limited to ten (10) pages in length. The parties should consider this Order to be a two- 13 | pronged inquiry into the facial and factual sufficiency of Defendant’s demonstration 14 | of jurisdiction. See *Leite v. Crane Co.*, 749 F.3d 1117, 1122 (9th Cir.

2014). 15 As Defendant is the party asserting federal jurisdiction, Defendant’s failure to 16 | respond timely and adequately to this Order shall result in remand of the action 17 | without further notice. 18 19 IT IS SO ORDERED. 20 21 | Dated: January 28, 2026 FERNANDO L. AENLLE-ROCHA 24 United States District Judge 25 26 27 28