

**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)

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 26 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.” Id. 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