

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Firsov v. Western Union Financial Services, Inc.

No. 25-cv-04727-NC (N.D. Cal. July 23, 2025) · No. 25-cv-04727-NC · Decided July 23, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed the action without prejudice. The court found that the self-represented plaintiffs failed to pay the filing fee and failed to establish federal subject matter jurisdiction because their Dodd-Frank claim lacked a private right of action and their pleadings did not establish diversity jurisdiction. The court vacated the case management conference and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Nathanael M. Cousins
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 23, 2025
DOCKET	25-cv-04727-NC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs filed a civil action and a first amended complaint in federal district court. After denying their applications to proceed without paying the filing fee, the court dismissed the action without prejudice for failure to pay the fee and failure to establish federal subject matter jurisdiction.
STANDARD OF REVIEW	The court independently examined its subject matter jurisdiction, with the plaintiffs bearing the burden of establishing federal jurisdiction.
PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive but not binding precedent beyond the case.
PARTIES	Sergey Firsov, Iana Rodionova v. Western Union Financial Services, Inc.

TOPICS

- subject matter jurisdiction
- civil procedure
- consumer protection
- commercial litigation

PRACTICE AREAS

civil procedure

subject matter jurisdiction

consumer protection

commercial litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed for plaintiffs' failure to pay the required filing fee.
2. Whether the first amended complaint established federal-question jurisdiction based on an asserted Dodd-Frank Act claim.
3. Whether the first amended complaint established diversity jurisdiction under 28 U.S.C. § 1332.

HOLDINGS

1. Dismissal without prejudice was warranted because neither plaintiff paid the required filing fee by the court-ordered deadline.
2. The first amended complaint did not establish federal-question jurisdiction because Section 1073 of the Dodd-Frank Act does not provide a valid private cause of action for plaintiffs' allegations.
3. The first amended complaint did not establish diversity jurisdiction because it failed to allege Western Union's citizenship and failed to allege an amount in controversy exceeding \$75,000.
4. When a federal court determines that it lacks subject matter jurisdiction, it must dismiss the action.

KEY QUOTATIONS

“A federal court has an independent duty to determine whether it has subject matter jurisdiction over a case.”
(at 2)

“If a federal court determines that it does not have subject matter jurisdiction, it must dismiss the case.” (at 2)

FACTUAL BACKGROUND

The action arose from a money transfer between Sergey Firsov in the United States and Iana Rodionova in Uzbekistan. Plaintiffs alleged, among other things, that Western Union violated Section 1073 of the Dodd-Frank Act by failing to provide proper disclosures and correct errors involving the money transfer. Their remaining claims were based on state law, and the amended complaint sought less than \$75,000 in damages while failing to adequately allege Western Union's citizenship.

PROCEDURAL HISTORY

Plaintiffs filed the action on June 4, 2025. The court denied their applications to proceed without paying the filing fee, ordered them to pay the fee by July 11, 2025, and screened the initial complaint as deficient, including for lack of subject matter jurisdiction. Plaintiffs filed a first amended complaint on June 17, 2025, but neither plaintiff paid the filing fee, and the amended complaint did not establish federal-question or diversity jurisdiction. The court dismissed the case without prejudice and vacated the scheduled case management conference.

DISPOSITION

dismissed

CASES CITED

- No. 21-cv-9699-YGR, 2022 WL 2289056, at *1 (N.D. Cal. Mar. 18, 2022)
- *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006)
- *Leite v. Crane Co.*, 749 F.3d 1117, 1121 (9th Cir. 2014)
- *Brooks v. Geico Ins.*, No. 23-cv-05085 RFL, 2023 WL 8852738, at *1 (N.D. Cal. Dec. 21, 2023)
- *Sullivan v. First Affiliated Secs., Inc.*, 813 F.2d 1368, 1371 (9th Cir. 1987)
- *Env’t Remediation, LLC v. Dep’t of Health & Env’t Quality of Mont.*, 213 F.3d 1108, 1113 (9th Cir. 2000)
- *Franchise Tax Bd. v. Constr. Laborers Vacation Tr. for S. Cal.*, 463 U.S. 1, 27-28 (1983)
- *Riley v. Quality Loan Serv. Corp.*, No. 18-cv-1297-WQH-AGS, 2019 WL 157838, at *2 (S.D. Cal. Jan. 10, 2019)
- *Jah Kente Int’l, Inc. v. Indus. Bank of Washington, D.C.*, No. 22-cv-00848-APM, 2023 WL 11056262, at *2 (D.D.C. June 26, 2023)

OPINION

Firsov v. Western Union Financial Services, Inc.

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 10 SERGEY FIRSOV, et al., Case No. 25-cv-04727-NC 11 Plaintiffs, ORDER DISMISSING
12 CASE

12 WITHOUT PREJUDICE

v. 13

WESTERN UNION FINANCIAL

14 SERVICES, INC.,

15 Defendant. 16

17 Self-represented Plaintiffs Sergey Firsov and Iana Rodionova filed a civil lawsuit 18 on June 4,
2025, against Defendant Western Union Financial Services, Inc. The facts of 19 this case arise
from a money transfer between Firsov in the United States and Rodionova 20 in Uzbekistan. 21
The Court now ORDERS this case to be dismissed without prejudice due to 22 Plaintiffs’ failure to
pay the filing fee and the case’s lack of subject matter jurisdiction.

23 I. PLAINTIFFS FAILED TO PAY THE FILING FEE

24 Plaintiffs pursue their case without an attorney. The Court previously denied both 25 Plaintiffs’
applications to proceed without paying the Court filing fee and set a deadline of

26 July 11, 2025, for Plaintiffs to pay the filing fee or risk their case being dismissed. ECF 7.

27 As of July 23, 2025, neither Plaintiff has paid the filing fee. Thus, the Court

1 No. 21-cv-9699-YGR, 2022 WL 2289056, at *1 (N.D. Cal. Mar. 18, 2022) (dismissing a
2 case for failure to pay the filing fee).

3 II. PLAINTIFFS FAILED TO ESTABLISH FEDERAL SUBJECT MATTER

4 JURISDICTION

5 The Court screened Plaintiffs' initial complaint and found it "deficient" for various 6 reasons,
including the lack of federal subject matter jurisdiction. ECF 7. The Court gave 7 Plaintiffs until
July 11, 2025, to file a first amended complaint that cured these deficiencies 8 or risk dismissal of
the case. Id. Plaintiffs timely filed a First Amended Complaint (FAC) 9 on June 17, 2025. ECF 9
(FAC). The Court now assess whether the FAC cured the initial 10 complaint's deficiencies,
specifically its lack of federal subject matter jurisdiction, and 11 finds that it does not. 12 A federal
court has an independent duty to determine whether it has subject matter 13 jurisdiction over a
case. *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006). The parties 14 cannot waive or forfeit this
requirement. Id. The party bringing the case in federal court 15 (here, Plaintiffs Firsov and
Rodionova) has the responsibility of proving that there is 16 subject matter jurisdiction. See *Leite*
v. Crane Co., 749 F.3d 1117, 1121 (9th Cir. 2014). 17 If a federal court determines that it does not
have subject matter jurisdiction, it must 18 dismiss the case. Fed. R. Civ. P. 12(h)(3); *Brooks v.*
Geico Ins., No. 23-cv-05085 RFL, 19 2023 WL 8852738, at *1 (N.D. Cal. Dec. 21, 2023). 20
There are two common ways to establish federal subject matter jurisdiction under 21 statute: (1)
diversity jurisdiction, 28 U.S.C. § 1332, and (2) federal question jurisdiction, 22 28 U.S.C. § 1331.
The FAC does not establish either. 23 Plaintiffs' FAC indicates that subject matter jurisdiction is
satisfied by a federal 24 question. FAC at 2. "Federal district courts have original federal question
jurisdiction of 25 actions 'arising under the Constitution, laws, or treaties of the United States.'" *Sullivan v.*
26 First Affiliated Secs., Inc., 813 F.2d 1368, 1371 (9th Cir. 1987) (quoting 28 U.S.C. §
27 1331). Generally, under the "well-pleaded complaint rule," a claim "arises under" federal 1
Env't Remediation, LLC v. Dep't of Health & Env't Quality of Mont., 213 F.3d 1108, 1113 2 (9th
Cir. 2000); *Franchise Tax Bd. v. Constr. Laborers Vacation Tr. for S. Cal.*, 463 U.S. 3 1, 27–28
(1983) ("federal courts have jurisdiction to hear . . . only those cases in which a 4 well-pleaded
complaint establishes either that federal law creates the cause of action or 5 that the plaintiff's
right to relief necessarily depends on resolution of a substantial question 6 of federal law"). 7
Here, Plaintiffs state that the Court has federal question jurisdiction under the Dodd- 8 Frank Act.
FAC at 2. In Count Five of their FAC, Plaintiffs allege that Defendant violated
9 Section 1073 of the Dodd-Frank Act when it "failed to provide proper disclosure" and
10 "failed to correct errors on money transfer," among other things. FAC at 9. In order for a 11
plaintiff to allege a claim under a federal statute like the Dodd-Frank Act, the statute must 12
provide for a private right of action. *Riley v. Quality Loan Serv. Corp.*, No. 18-cv-1297- 13 WQH-
AGS, 2019 WL 157838, at *2 (S.D. Cal. Jan. 10, 2019). Here, "[t]he case law is 14 clear that a

plaintiff ‘may not seek relief’ based on provisions of the Dodd-Frank Act that 15 ‘confer no private right of action.’ . . . And, more broadly, the Dodd-Frank Act provides no 16 ‘private right of action to enforce the prohibitions against unfair, deceptive, abusive, or 17 misleading conduct.’” Jah Kente Int’l, Inc. v. Indus. Bank of Washington, D.C., No. 22- 18 cv-00848-APM, 2023 WL 11056262, at *2 (D.D.C. June 26, 2023) (citations omitted).

19 Section 1073 does not provide a valid private cause of action, and therefore, Plaintiffs did 20 not plausibly allege a Dodd-Frank Act violation. 21 Plaintiffs’ remaining claims all allege state law claims, not federal claims. Thus, 22 their FAC, as currently plead, is insufficient to establish federal question jurisdiction. 23 Plaintiffs also do not sufficiently allege diversity jurisdiction. They do not allege the 24 citizenship of Defendant to sufficiently prove complete diversity, nor have they 25 sufficiently alleged that the amount in controversy exceeds \$75,000. See FAC at 18 26 (requesting less than \$75,000 in damages); 28 U.S.C. § 1332(a). 27 In conclusion, Plaintiffs’ FAC, as currently plead, is insufficient to establish the 1 || claim or complete diversity and an amount in controversy exceeding \$75,000. Thus, the 2 || Court dismisses this action, without prejudice, due to lack of federal subject matter 3 || jurisdiction.

4 || 1. CONCLUSION

5 All parties have consented to magistrate judge jurisdiction. ECF 2; ECF 13. 6 || Accordingly, this case is DISMISSED without prejudice for Plaintiffs’ failure to pay the 7 || required court filing fee and for its lack of subject matter jurisdiction. The Court 8 VACATES the case management conference set for September 3, 2025, at 10:00 a.m., and 9 || directs the Clerk to dismiss this case. 10 11 12 = 13 IT IS SO ORDERED. 14 15 || Dated: July 23, 2025 h-__=_____ _

NATHANAEL M. COUSINS

Q 16 United States Magistrate Judge 17 1g 19 20 21 22 23 24 25 26 27 28