

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PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive but not binding precedent beyond the case.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)