

**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

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
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