

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Jevarien Zymell Dunlap v. Samaritan House

Dunlap v. Samaritan House · No. 25-cv-09086-LJC · Decided January 27, 2026

SUMMARY

The United States District Court for the Northern District of California grants Jevarien Dunlap’s application to proceed in forma pauperis and orders Dunlap to show cause why the complaint against Samaritan House should not be dismissed. The court identifies potential deficiencies in diversity jurisdiction, including failure to establish complete diversity and plausibly allege an amount in controversy exceeding \$75,000, and continues the case management conference.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	A. J. Cisneros
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 27, 2026
DOCKET	25-cv-09086-LJC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se complaint asserting negligence and premises-liability claims and applied to proceed in forma pauperis. After granting the application, the court conducted statutory screening and ordered plaintiff to show cause why the complaint should not be dismissed for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	The court screened the complaint sua sponte under 28 U.S.C. § 1915(e)(2)(B) and applied the Rule 12(b)(6) plausibility standard, construing the pro se pleading liberally while disregarding conclusory legal allegations.
PRECEDENTIAL VALUE	Unpublished federal district court order; nonprecedential except as permitted by applicable rules.
PARTIES	Jevarien Zymell Dunlap v. Samaritan House

TOPICS

subject matter jurisdiction

pleadings

motions to dismiss

negligence

premises liability

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Torts

QUESTIONS PRESENTED

1. Whether the complaint adequately established federal subject-matter jurisdiction through diversity of citizenship under 28 U.S.C. § 1332(a).
2. Whether the complaint plausibly alleged that the amount in controversy exceeded \$75,000.
3. Whether the complaint established federal-question jurisdiction under 28 U.S.C. § 1331.
4. Whether the complaint should be dismissed or plaintiff should receive an opportunity to amend after IFP screening.

HOLDINGS

1. A federal court must independently determine whether subject-matter jurisdiction exists, even when no party has challenged jurisdiction.
2. Diversity jurisdiction requires complete diversity between all plaintiffs and all defendants and an amount in controversy exceeding \$75,000; the party invoking jurisdiction bears the burden of establishing those requirements.
3. The complaint did not establish federal-question jurisdiction because it did not identify a claim arising under the Constitution, laws, or treaties of the United States.
4. A pro se plaintiff ordinarily must be given leave to amend unless it is absolutely clear that the pleading's deficiencies cannot be cured by amendment.

KEY QUOTATIONS

“Sufficient cause having been shown, that application is GRANTED.” (at 1)

“Accordingly, Dunlap is ORDERED TO SHOW CAUSE why this case should not be dismissed for lack of subject matter jurisdiction.” (at 4)

FACTUAL BACKGROUND

Dunlap alleged that Dunlap was bitten by a bug while sleeping at Samaritan House, causing a swollen hand. The complaint further alleged that shelter staff negligently left a door open for extended periods. Dunlap asserted negligence and premises-liability claims, sought \$122,630, and alleged diversity jurisdiction, but pleaded residence in Oakland, California and did not establish the citizenship or legal organization of Samaritan House.

PROCEDURAL HISTORY

Dunlap filed a complaint against Samaritan House and sought leave to proceed in forma pauperis. The court granted IFP status, reviewed the complaint under 28 U.S.C. § 1915(e)(2)(B), found that diversity jurisdiction

was not adequately pleaded and that no federal-question jurisdiction was apparent, and ordered Dunlap to file an amended complaint or response within four weeks. No dismissal was entered in this order.

DISPOSITION

other

CASES CITED

- Omar v. Sea-Land Serv., Inc., 813 F.2d 986, 991 (9th Cir. 1987)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Denton v. Hernandez, 504 U.S. 25, 32-33 (1992)
- Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006)
- Franklin v. Murphy, 745 F.2d 1221, 1235 n.9 (9th Cir. 1984)
- Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006)
- Scott v. Breeland, 792 F.2d 925, 927 (9th Cir. 1986)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992)