

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Larsen-Orta v. Contra Costa County Human Services Department

Larsen-Orta · No. 4:25-cv-02027-KAW · Decided March 12, 2025

SUMMARY

The court grants Plaintiff Ragni Larsen-Orta's application to proceed in forma pauperis but recommends dismissal of the complaint without prejudice for lack of subject matter jurisdiction. The court concludes that the complaint improperly seeks federal review of a California Department of Health Care Services administrative decision and that alleging violations of the Thirteenth and Fourteenth Amendments does not establish federal jurisdiction.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Kewe A. [surname unclear in source OCR]
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 12, 2025
DOCKET	4:25-cv-02027-KAW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a civil action and an application to proceed in forma pauperis. The magistrate judge granted the in forma pauperis application and issued a report and recommendation that the complaint be dismissed without prejudice for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The court reviewed the complaint sua sponte for subject matter jurisdiction and under the mandatory screening requirements of 28 U.S.C. § 1915(e)(2).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- subject matter jurisdiction
- judicial review of agency action
- administrative law
- civil procedure
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint satisfied the in forma pauperis screening requirements of 28 U.S.C. § 1915(e)(2).
2. Whether the federal district court had subject matter jurisdiction over what was effectively an appeal of a California state administrative decision.
3. Whether the complaint could be amended to establish a basis for federal subject matter jurisdiction.

HOLDINGS

1. A complaint may be dismissed as frivolous during screening under 28 U.S.C. § 1915(e)(2) when the court lacks subject matter jurisdiction.
2. The complaint did not establish federal subject matter jurisdiction because an alleged violation of the Thirteenth and Fourteenth Amendments did not transform the action into a proper federal case or confer jurisdiction over a de facto appeal of a state administrative decision.
3. The complaint could not be amended to sufficiently allege a basis for federal subject matter jurisdiction.

KEY QUOTATIONS

“Alleging amorphous violations of the Thirteenth and Fourteenth Amendments does not confer subject matter jurisdiction over a de facto appeal of a state administrative decision” (at 2)

“The complaint is insufficient to satisfy Section 1915 review and that it cannot be amended to sufficiently allege a basis for federal subject matter jurisdiction.” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that an unfavorable decision by the California Department of Health Care Services would result in a deprivation of medical care beginning March 1, 2025. DHCS denied her request for rehearing in a February 13, 2025 letter and advised her that she could seek judicial review by filing a petition in California Superior Court. Plaintiff instead filed in federal district court and alleged amorphous violations of the Thirteenth and Fourteenth Amendments.

PROCEDURAL HISTORY

On February 26, 2025, Ragni Larsen-Orta filed the action and an in forma pauperis application. The court granted the application, reassigned the case to a district judge, and recommended dismissal without prejudice after screening the complaint under 28 U.S.C. § 1915(e)(2). The recommendation was subject to objections within 14 days under 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72(b), and N.D. Civil Local Rule 72-3.

DISPOSITION

other

CASES CITED

- Castillo v. Marshall, 207 F.3d 15, 15 (9th Cir. 1997)
- Pratt v. Sumner, 807 F.2d 817, 819 (9th Cir. 1987)
- Henderson ex rel. Henderson v. Shinseki, 562 U.S. 428, 434 (2011)
- Valdez v. Allstate Ins. Co., 372 F.3d 1115, 1116 (9th Cir. 2004)
- Hansen v. Blue Cross of Cal., 891 F.2d 1384, 1386 (9th Cir. 1989)
- IBEW Local 595 Trust Funds v. ACS Controls Corp., No. C-10-5568, 2011 WL 1496056, at *3 (N.D. Cal. Apr. 20, 2011)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
RAGNI LARSEN-ORTA, Case No. 4:25-cv-02027-KAW 8 Plaintiff, ORDER GRANTING IN
FORMA PAUPERIS APPLICATION; REPORT 9 v. AND RECOMMENDATION TO DISMISS
PLAINTIFF’S COMPLAINT 10 CONTRA COSTA COUNTY HUMAN WITHOUT
PREJUDICE SERVICES DEPARTMENT, et al., 11 Re: Dkt. Nos. 1, 2 Defendants. 12 13 On
February 26, 2025, Plaintiff Ragni Larsen-Orta filed this civil action and application to 14 proceed
in forma pauperis.

Having considered the application, the Court GRANTS Plaintiff’s 15 application to proceed in
forma pauperis and REASSIGNS this case to a district judge with the 16 RECOMMENDATION
that it be dismissed without prejudice for lack of subject matter 17 jurisdiction. 18 I. LEGAL
STANDARD 19 The in forma pauperis statute provides that the Court shall dismiss the case if at
any time 20 the Court determines that the allegation of poverty is untrue, or that the action (1) is
frivolous or 21 malicious, (2) fails to state a claim on which relief may be granted; or (3) seeks
monetary relief 22 against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2). 23 A complaint is frivolous under Section 1915 where there is no subject
matter jurisdiction. 24 See Castillo v. Marshall, 207 F.3d 15, 15 (9th Cir. 1997) (citation omitted);
see also Pratt v. Sumner, 25 807 F.2d 817, 819 (9th Cir. 19987) (recognizing the general
proposition that a complaint should be 26 dismissed as frivolous on Section 1915 review where
subject matter jurisdiction is lacking).

27 II. DISCUSSION 1 that they do not exceed the scope of their jurisdiction.” Henderson ex rel.
Henderson v. Shinseki, 2 562 U.S. 428, 434 (2011); Valdez v. Allstate Ins. Co., 372 F.3d 1115,
1116 (9th Cir. 2004) (noting 3 that district courts are “obligated to consider sua sponte whether
[they] have subject matter 4 jurisdiction”). There are two bases for federal subject matter
jurisdiction: (1) federal question 5 jurisdiction under 28 U.S.C. § 1331 and (2) diversity
jurisdiction under 28 U.S.C. § 1332.

A 6 district court has federal question jurisdiction in “all civil actions arising under the Constitution, 7 laws, or treaties of the United States.” Id. at § 1331. A cause of action “arises under federal law 8 only when the plaintiff’s well-pleaded complaint raises issues of federal law.” Hansen v. Blue 9 Cross of Cal., 891 F.2d 1384, 1386 (9th Cir. 1989).

A district court has diversity jurisdiction 10 “where the matter in controversy exceeds the sum or value of \$75,000... and is between citizens 11 of different states, or citizens of a State and citizens or subjects of a foreign state.” Id. 12 Here, Plaintiff appears to be alleging that there was an unfavorable decision rendered by 13 the California Department of Health Care Services (“DHCS”) that will result in a deprivation of 14 medical care as of March 1, 2025.

(Compl., Dkt. No. 1 at 5.) In a letter attached to the complaint, 15 dated February 13, 2025, DHCS denied Plaintiff’s request for rehearing, and advised Plaintiff that 16 she may seek court review of the denial by filing “a ‘petition’ in Superior Court.” (Compl. at 9) 17 (emphasis added.) This is not Alameda County Superior Court.

As set forth above, federal courts 18 are courts of limited jurisdiction. Alleging amorphous violations of the Thirteenth and Fourteenth 19 Amendments does not confer subject matter jurisdiction over a de facto appeal of a state 20 administrative decision, particularly one in which Plaintiff was explicitly advised that she may 21 seek judicial review in Superior Court.

22 Accordingly, the Court concludes that the complaint is insufficient to satisfy Section 1915 23 review and that it cannot be amended to sufficiently allege a basis for federal subject matter 24 jurisdiction. 25 III. CONCLUSION 26 For the reasons set forth above, the Court finds that the allegations in Plaintiff’s complaint 27 are insufficient under 28 U.S.C. § 1915(e)(2) and REASSIGNS this case to a district judge with 1 the RECOMMENDATION that it be dismissed without prejudice for lack of jurisdiction.

See Fed. 2 || R. Civ. P. 41(b) (involuntary dismissals for lack of jurisdiction are without prejudice). 3 Any party may file objections to this report and recommendation with the district judge 4 || within 14 days of being served with a copy. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); N.D. 5 Civil L.R. 72-3.

The parties are advised that failure to file objections within the specified time 6 || may waive the right to appeal the District Court's order. IBEW Local 595 Trust Funds v. ACS 7 Controls Corp., No. C-10-5568, 2011 WL 1496056, at *3 (N.D. Cal. Apr. 20, 2011). 8 IT IS SO RECOMMENDED. 9 Dated: March 11, 2025. 10 Kewe A. dln United States Magistrate Judge 12 © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28