

**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

OPINION

Larsen-Orta v. Contra Costa County Human Services Department

PER CURIAM.

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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