

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Firsov v. Austrian Airlines AG

Firsov · No. 25-cv-03504-PCP · Decided August 14, 2025

SUMMARY

The United States District Court for the Northern District of California orders plaintiff Sergey Firsov to show cause why his action against Austrian Airlines AG should not be dismissed for lack of subject matter jurisdiction. The court notes that Firsov paid the filing fee but did not address the jurisdictional concerns identified in a prior report and recommendation, and sets a September 12, 2025 deadline for his response.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	P. Casey Pitts
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 14, 2025
DOCKET	25-cv-03504-PCP
DISPOSITION	other
PROCEDURAL POSTURE	The court considered a report and recommendation recommending dismissal for failure to pay filing fees and lack of subject matter jurisdiction. After the plaintiff paid the filing fee but did not address the jurisdictional concerns, the court issued an order to show cause.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

- federal civil procedure
- subject matter jurisdiction

QUESTIONS PRESENTED

1. Whether the action should be dismissed for lack of subject matter jurisdiction.

2. Whether the plaintiff should be required to show cause why the action should not be dismissed after he failed to address the court's jurisdictional concerns.

HOLDINGS

1. The court has an independent and continuing obligation to determine whether subject matter jurisdiction exists and may raise and decide the jurisdictional question on its own.
2. The court did not immediately dismiss the action; instead, it ordered Firsov to show cause by September 12, 2025 why the action should not be dismissed for lack of subject matter jurisdiction.

KEY QUOTATIONS

“federal courts have an independent obligation to ensure that they do not exceed the scope of their jurisdiction, and therefore they must raise and decide jurisdictional questions that the parties either overlook or elect not to press.” (at 1)

“federal courts have a continuing, independent obligation to determine whether subject matter jurisdiction exists.” (at 1)

FACTUAL BACKGROUND

Sergey Firsov commenced the action without counsel against Austrian Airlines AG. He initially failed to pay the filing fee, but later paid it. He did not address the report and recommendation's concerns that the federal court lacked subject matter jurisdiction over his action.

PROCEDURAL HISTORY

Sergey Firsov, proceeding pro se, filed an action against Austrian Airlines AG. A July 21, 2025 report and recommendation recommended dismissal based on nonpayment of filing fees and lack of subject matter jurisdiction. Firsov paid the filing fee but did not respond to the jurisdictional concerns, so the court ordered him to show cause why the action should not be dismissed.

DISPOSITION

other

CASES CITED

- *Henderson v. Shinseki*, 562 U.S. 428, 434 (2011)
- *Mashiri v. Dep't of Educ.*, 724 F.3d 1028, 1031 (9th Cir. 2013)

OPINION

Firsov v. Austrian Airlines AG

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 SERGEY FIRSOV, Case No. 25-cv-03504-PCP 8 Plaintiff,

ORDER TO SHOW CAUSE

v. 9

10 AUSTRIAN AIRLINES AG,

Defendant. 11 12 13 Plaintiff Sergey Firsov, proceeding without counsel, commenced the instant
action against 14 defendant Austrian Airlines AG. Before the Court is the July 21, 2025 report and
recommendation 15 to dismiss this case based on (1) Firsov's failure to pay filing fees; and (2) the
Court's lack of 16 subject matter jurisdiction over Firsov's action. Firsov has since paid the
required filing fee. 17 Although Firsov has remedied one of the issues addressed in the report and
18 recommendation, he has not responded to the report's concerns regarding the Court's
jurisdiction. 19 The Court therefore orders Firsov to show cause by September 12, 2025 why this
action should 20 not be dismissed for lack of subject matter jurisdiction. See *Henderson v.*
Shinseki, 562 U.S. 428, 21 434 (2011) ("[F]ederal courts have an independent obligation to ensure
that they do not exceed the 22 scope of their jurisdiction, and therefore they must raise and decide
jurisdictional questions that 23 the parties either overlook or elect not to press."); see also *Mashiri*
v. Dep't of Educ., 724 F.3d 24 1028, 1031 (9th Cir. 2013) ("[F]ederal courts have a continuing,
independent obligation to 25 determine whether subject matter jurisdiction exists."). 26 IT IS SO
ORDERED. 27 Dated: August 14, 2025 P. Casey Pitts 2 United States District Judge 3 4 5 6 7 8 9
10 11 12 © 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28