

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Julian Barlog v. Desirre Ranallo, et al.

Barlog · No. 3:25CV801(RCY) · Decided January 14, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia grants Julian Barlog’s application to proceed in forma pauperis but dismisses his complaint without prejudice for lack of subject-matter jurisdiction. The court concludes that the allegations do not adequately establish complete diversity of citizenship or the required amount in controversy under 28 U.S.C. § 1332. The court further finds that amendment would be futile because Burford abstention would be appropriate in this dispute concerning parental rights and access to children.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	Roderick C. Young
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	January 14, 2026
DOCKET	3:25CV801(RCY)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a proposed pro se complaint and an application to proceed in forma pauperis. After granting the IFP application, the district court conducted statutory screening under 28 U.S.C. § 1915(e)(2) and dismissed the action without prejudice for lack of subject matter jurisdiction.
STANDARD OF REVIEW	De novo jurisdictional review and mandatory screening under 28 U.S.C. § 1915(e)(2); a pro se complaint must allege enough facts to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Julian Barlog v. Desirre Ranallo, John Doe

TOPICS

subject matter jurisdiction

family law

civil procedure

federalism

torts

PRACTICE AREAS

civil procedure

family law

federalism

torts

QUESTIONS PRESENTED

1. Whether the complaint plausibly established complete diversity of citizenship for purposes of 28 U.S.C. § 1332.
2. Whether the complaint plausibly alleged that the amount in controversy exceeded \$75,000.
3. Whether the court was required to dismiss for lack of subject matter jurisdiction.
4. Whether leave to amend should be denied as futile because Burford abstention would apply to the dispute concerning parental rights and access to the parties' children.

HOLDINGS

1. The complaint did not adequately establish complete diversity because it alleged only that the defendants were Virginia residents and did not plausibly establish that Ranallo was domiciled in Virginia rather than Alaska.
2. The complaint failed to plausibly allege that the amount in controversy exceeded \$75,000.
3. Because the complaint failed to establish complete diversity and the amount-in-controversy requirement, and no independent jurisdictional basis existed, the court lacked subject matter jurisdiction and was required to dismiss the action.
4. Leave to amend was denied as futile because, even if the jurisdictional allegations were corrected, Burford abstention would be appropriate.

KEY QUOTATIONS

“A pro se complaint should survive only when a plaintiff has set forth “enough facts to state a claim to relief that is plausible on its face.”” (Section II)

“Thus, he is asking the Court to invade the provenance of the states to resolve his dispute with his wife over the location of and access to their children.” (Section III)

FACTUAL BACKGROUND

Barlog alleged that Desirre Ranallo left Alaska with the parties' three minor daughters, later cut off his contact with them, and relocated with the children to Virginia without informing him. He alleged that John Doe assisted in concealing the children and that Ranallo made statements that Barlog had hit her. Barlog sought damages for interference with parental rights, conspiracy, defamation, intentional infliction of emotional distress, and concert of action.

PROCEDURAL HISTORY

On September 30, 2025, Barlog submitted an IFP application, proposed complaint, and motions for ADA accommodation and preliminary injunction. The court granted IFP status but, upon screening the complaint, found that the pleading failed to establish complete diversity or the amount-in-controversy requirement. The court further held that amendment would be futile because Burford abstention would apply, and dismissed the action without prejudice without reaching the pending motions.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Arbaugh v. Y & H Corp., 546 U.S. 500, 506 (2006)
- Miss. Band of Choctaw Indians v. Holyfield, 490 U.S. 30, 48 (1989)
- Mitchell v. United States, 88 U.S. 350, 353 (1874)
- Burford v. Sun Oil Co., 319 U.S. 315 (1943)
- Ankenbrandt v. Richards, 504 U.S. 689, 705–06 (1992)
- Laber v. Harvey, 438 F.3d 404, 426 (4th Cir. 2006)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA Richmond Division
JULIAN BARLOG,) Plaintiff,)) v.) Civil Action No. 3:25CV801(RCY)) DESIRRE
RANALLO, et al.,) Defendants.) _____)
MEMORANDUM OPINION On September 30, 2025, Plaintiff Julian Barlog (“Plaintiff”), appearing pro se, submitted an application to proceed in forma pauperis (“IFP Application”),¹ along with a proposed Complaint.

IFP Appl., ECF No. 1; Proposed Compl., ECF No. 1-1. The proposed filings also include a Motion for Reasonable ADA Accommodation, ECF No. 1-8, and a Motion for Preliminary Injunction, ECF No. 1-10. Based on the financial information set forth in Plaintiff’s IFP Application, the Court is satisfied that Plaintiff qualifies for in forma pauperis status.

Accordingly, Plaintiff’s IFP Application, ECF No. 1, will be granted. The Court will accordingly direct the Clerk to docket Plaintiff’s Complaint and attendant exhibits and motions. However, the granting of Plaintiff’s IFP Application notwithstanding, the Court finds that Plaintiff’s claims suffer from defects that prevent the action from proceeding. When a plaintiff is granted authorization to proceed in forma pauperis, the Court is obligated, pursuant to 28 U.S.C. § 1915(e) (2), to screen the operative complaint to determine, among other things, whether the complaint states a claim on which relief may be granted.

See 1 When a party proceeds in district court without prepaying fees or costs, it is said that the party is proceeding in forma pauperis. As such, the Court will refer to Plaintiff's fee waiver application as an "IFP Application." 28 U.S.C. § 1915(e)(2) (explaining that "the court shall dismiss the case at any time if the court determines that... the action... fails to state a claim on which relief may be granted").

A pro se complaint should survive only when a plaintiff has set forth "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Additionally, the Court has an independent obligation to screen for the existence of jurisdiction. See *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 506 (2006) ("The objection that a federal court lacks subject-matter jurisdiction, see Fed.

Rule Civ. Proc. 12(b)(1), may be raised by a party, or by a court on its own initiative.... [Federal] Rule [of Civil Procedure] 12(h)(3) instructs: 'Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.'"). Pursuant to § 1915's statutory screening obligation and with an eye towards its jurisdictional limitations, the Court has reviewed the operative Complaint.

I. BACKGROUND Plaintiff brings this action seeking compensatory and punitive damages for Defendants' alleged interference with his parental rights, conspiracy to conceal his children from him, defamation, and intentional infliction of emotional distress stemming from the same. Compl. ¶¶ 23–42. Specifically, Plaintiff alleges that on or about November 6, 2023, Defendant Desirre Ranallo left Haines, Alaska (where Plaintiff resides), with the three minor daughters she shares with Plaintiff, and took them to Export, Pennsylvania.

Id. ¶ 9. On or about October 12, 2024, Defendant severed Plaintiff's contact with the children entirely and concealed the children by relocating to Richmond, Virginia, without informing Plaintiff. Id. ¶¶ 12–13. Defendant John Doe resided with Plaintiff in Richmond and aided her in the concealment of the children. Id. ¶¶ 13–14. Plaintiff alleges that Defendant Ranallo told her mother that Plaintiff "hit her" and that she was very concerned for her safety.

Id. ¶ 17 (citing Compl. Ex. C, ECF No. 1-6). Defendant Ranallo also shared photos of Plaintiff's children with Plaintiff's brother, but not directly with Plaintiff. Id. ¶¶ 19–20. Defendants' actions have caused Plaintiff severe emotional distress and psychological harm, including aggravation of documented PTSD. Id. ¶ 22. II. JURISDICTIONAL ANALYSIS Plaintiff asserts that the Court has jurisdiction in this action based on 28 U.S.C. § 1332, which authorizes federal courts to hear controversies based in state law provided that there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00.

Here, Plaintiff's claims sound purely in state law. See Compl. ¶¶ 23–42 (asserting, in Counts I–V, the following: tortious interference with parental relationship (Count I); civil conspiracy (Count

II); defamation per se (Count III); intentional infliction of emotional distress (Count IV); and concert of action (Count V)). Plaintiff asserts that this Court can exercise diversity jurisdiction pursuant to 28 U.S.C. § 1332 because he is a citizen of Alaska, while Defendants Ranallo and Doe are citizens of Virginia who reside in this District, *id.* ¶¶ 3–4, 6–8, and because the amount in controversy exceeds \$75,000.00, *id.* ¶ 3.

While these jurisdictional allegations, at first blush, appear to check the boxes to enable this Court to exercise diversity jurisdiction, they are in fact deficiently pled. First, Plaintiff alleges in a conclusory manner that Defendants are citizens of Virginia because they are residents of Virginia. And while residency is one factor courts consider in assessing citizenship of an individual, it is not definitive; rather, the definitive inquiry is where the individual is domiciled.

Miss. Band of Choctaw Indians v. Holyfield, 490 U.S. 30, 48 (1989); see also 13E Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 3611 (3d ed. 2009) (“an allegation of a party’s residence alone is not sufficient, since... that is not equivalent to domicile or citizenship for subject matter jurisdiction purposes”); *id.* at § 3612 (3d ed. & Supp. 2016) (courts determine domicile by considering factors including residence; voter registration; location of personal and real property; location of bank accounts; place of employment or business; driver’s license and automobile registration; and payment of taxes).

Domicile is “established by physical presence in a place in connection with a certain state of mind concerning one’s intent to remain there.” *Miss. Band of Choctaw Indians*, 490 U.S. at 48. Based on the allegations in Plaintiff’s Complaint, particularly those concerning Defendant Ranallo’s having lived in three different states in the last two years, it is not clear that Defendants intend to remain in Virginia.

Moreover, the allegations in the Complaint suggest that Defendant Ranallo may yet intend to return to Alaska at some point in the future, and she harbored that intent even when she moved between states, further undermining a finding that her domicile has changed from Alaska to the place she presently resides. Compare *Mitchell v. United States*, 88 U.S. 350, 353 (1874) (“Mere absence from a fixed home, however long continued,” does not mean that a certain domicile is destroyed), with Compl. ¶ 9 (“In early 2024, Defendant referenced plans to return to Haines, [Alaska]....”).

Because the Complaint, as presently pleaded, does not establish that Defendant Ranallo’s domicile has changed from Alaska, she remains a citizen thereof, and complete diversity is lacking. In addition to the lack of complete diversity, Plaintiff’s assertion that the amount in controversy exceeds \$75,000.00 is conclusory and wholly unsupported by any other allegations in the Complaint.

While Plaintiff alleges that he has suffered amorphous harm from Defendants' tortious and defamatory conduct, there are no facts alleged from which the Court may reasonably infer that any such conduct caused Plaintiff to suffer damages in an amount exceeding \$75,000.00.

Thus, the Court finds that Plaintiff has also failed to plausibly allege facts to satisfy the amount in controversy requirement of § 1332. Because Plaintiff's Complaint is deficient as to both the citizenship of the parties and the claimed amount in controversy, the Court cannot exercise diversity jurisdiction pursuant to 28 U.S.C. § 1332. And because no independent basis for this Court's jurisdiction otherwise exists, the Court must dismiss the Complaint for lack of jurisdiction.

III. NO LEAVE TO AMEND While Plaintiff theoretically may be able to remedy the above deficiencies through more particularized pleading, the Court nevertheless does not grant leave to amend, because it finds that abstention would nevertheless be appropriate under *Burford v. Sun Oil Co.*, 319 U.S. 315 (1943).

In exercising so-called *Burford* abstention, a federal court may properly decline to exercise its diversity jurisdiction... in a case involving elements of the domestic relationship, even when the parties do not seek divorce, alimony, or child custody, [if the case] presents difficult questions of state law bearing on policy problems of substantial public import whose importance transcends the result in the case at bar[.]

Ankenbrandt v. Richards, 504 U.S. 689, 705–06 (1992). As described by the Supreme Court in *Ankenbrandt v. Richards*, “such might be the case [i.e., *Burford* abstention might be appropriate] if a federal suit, filed prior to effectuation of a divorce, alimony, or child custody decree, depended on a determination of the status of the parties.” *Id.* at 706. Despite Plaintiff's reliance on *Ankenbrandt* for the proposition that this Court should not abstain from hearing this case because Plaintiff is not seeking divorce, alimony, or child custody, see Compl. ¶ 5, the Court finds that the relief Plaintiff seeks would necessitate determining questions of parental rights and the statuses of Plaintiff and Defendant Ranallo as custodial parents.

Thus, he is asking the Court to invade the provenance of the states to resolve his dispute with his wife over the location of and access to their children. This the Court will not do. Accordingly, the Court finds that even if the elements of diversity jurisdiction were more fulsomely and properly pleaded, *Burford* abstention would be appropriate, and so leave to amend would be futile.

See *Laber v. Harvey*, 438 F.3d 404, 426 (4th Cir. 2006). IV. CONCLUSION For the reasons set forth above, Plaintiff's IFP Application, ECF No. 1, will be granted. However, given the Court's holding that it is without subject matter jurisdiction over the controversy, the Court will dismiss the action, without prejudice.

The Court accordingly does not reach Plaintiff's pending Motions. An appropriate Order will issue.
/s/ Roderick C. Young United States District Judge Date: January 14, 2026 Richmond, Virginia

