

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Xiangbin Long v. Wells Fargo Bank, N.A.

Long v. Wells Fargo Bank, N.A. · No. 2:24-cv-02402 CV (KESx) · Decided July 7, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 XIANGBIN LONG, Case No. 2:24-cv-02402 CV (KESx) 12 Plaintiffs,
ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE 13 v. DISMISSED
WITHOUT WELLS FARGO BANK, N.A., et al. PREJUDICE FOR LACK OF 14 SUBJECT
MATTER JURISDICTION 15 Defendants. 16 17 18 Federal courts are courts of “limited
jurisdiction,” possessing “only that power 19 authorized by the Constitution and statute[.]”
Kokkonen v. Guardian Life Ins.

Co. of Am., 20 511 U.S. 375, 377 (1994); U.S. Const. art. III, § 2, cl. 1. District courts are
presumed to 21 lack jurisdiction unless the contrary appears affirmatively from the record. See 22
DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 342 n. 3 (2006). Additionally, federal 23 courts
have an obligation to examine jurisdiction sua sponte before proceeding to the 24 merits of a case.

See Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999). When 25 a district court
determines that there is no subject matter jurisdiction in a non-removal 26 case, dismissal without
prejudice is appropriate. See Wasson v. Brown, 316 F. App’x 663, 27 664 (9th Cir. 2009); Parker
v. Ebay, No. CV 24-1863-JFW (JCx), 2024 WL 1484598, at 28 *2 (C.D. Cal. Apr.

5, 2024). Plaintiff Xiangbin Long’s (“Plaintiff”) First Amended Complaint (Doc. # 33, 2 ||“FAC”)
does not establish jurisdiction based on diversity of citizenship. “The district 3 ||courts shall have
original jurisdiction of all civil actions where the matter in controversy 4 exceeds the sum or value
of \$75,000, exclusive of interest and costs, and is between — 5 || citizens of different States[.]” 28
U.S.C. § 1332(a)(1).

Plaintiff has not alleged that the 6 ||amount in controversy exceeds the sum or value of \$75,000,
exclusive of interests and 7 ||costs. The amount in controversy is not “facially evident” from the
pleading, and 8 || “[c]onclusory allegations as to the amount in controversy are insufficient.”
Matheson v. 9 || Progressive Specialty Ins. Co., 319 F.3d 1089, 1090-91 (9th Cir.

2003). Nor can Plaintiff 10 || establish jurisdiction based on a federal question, as the FAC
includes only two claims, 11 based on California law. See 28 U.S.C. § 1331 (“The district courts
shall have 12 || original jurisdiction of all civil actions arising under the Constitution, laws, or
treatises of 13 United States.”). 14 Accordingly, the parties are ORDERED TO SHOW CAUSE, in

writing only, 15 || within fourteen (14) days from the date of this Order, why this action should not be 16 || dismissed without prejudice for lack of subject matter jurisdiction.

Responses shall be 17 || limited to ten (10) pages in length. 18 19 IT IS SO ORDERED. 20 21 ||DATED: 7/7/25 lypatiar, Valeng □□□□ 22 HOW. CYNTHIA VALENZUELA 23 SEE EE 24 25 26 27 28