

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Amin v. Momand

Amin v. Momand · No. 2:24-cv-03557-TLN-SCR · Decided April 4, 2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge in Amin v. Momand concerning defendants’ motion to dismiss. The court recommends dismissal of the complaint for lack of subject-matter jurisdiction because the alleged damages do not exceed the diversity-jurisdiction threshold, and for failure to state a claim, while allowing plaintiff 21 days to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 4, 2025
DOCKET	2:24-cv-03557-TLN-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss the pro se complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and alternatively sought a more definite statement under Rule 12(e). The magistrate judge issued findings and recommendations recommending dismissal with leave to amend.
STANDARD OF REVIEW	For a facial Rule 12(b)(1) challenge, the court presumes the truth of the complaint's allegations and draws all reasonable inferences in the plaintiff's favor. Under Rule 12(b)(6), the court accepts well-pleaded factual allegations as true and construes them in the light most favorable to the plaintiff, but need not accept legal conclusions or conclusory allegations.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Najibulla Amin v. Daman Momand, et al.

TOPICS

motions to dismiss

subject matter jurisdiction

motion for a more definite statement

civil procedure

wage and hour

PRACTICE AREAS

civil procedure

employment law

torts

QUESTIONS PRESENTED

1. Whether diversity subject-matter jurisdiction existed where the complaint alleged only \$37,234 in damages, below the \$75,000 amount-in-controversy requirement.
2. Whether the complaint stated a cognizable claim based on the alleged false report to the FMCSA and withholding of wages.
3. Whether the complaint was so vague or ambiguous that Defendants could not reasonably prepare a response and therefore required a more definite statement under Rule 12(e).
4. Whether Amin should be granted leave to amend.

HOLDINGS

1. The complaint did not satisfy the amount-in-controversy requirement for diversity jurisdiction because it alleged damages of only \$37,234, below the more-than-\$75,000 threshold in 28 U.S.C. § 1332(a).
2. The complaint failed to state a claim because it did not clearly identify the law or laws allegedly violated, the torts asserted, or another cognizable legal theory, and its allegations were too vague and conclusory to permit meaningful evaluation or response.
3. Dismissal should be with leave to amend because it was not clear that the complaint could not be saved by amendment.

KEY QUOTATIONS

“The Complaint does not satisfy the amount-in-controversy requirement for diversity jurisdiction.” (at 5)

“Dismissal without leave to amend is improper unless it is clear ... that the complaint could not be saved by any amendment.” (at 7)

“Plaintiff should be granted leave to amend to specifically identify what law or laws he believes Defendants violated and/or what torts or other legal wrongs he believes they committed.” (at 8)

FACTUAL BACKGROUND

Amin alleged that Defendants falsely reported to the Federal Motor Carrier Safety Administration that he had refused a drug and alcohol test, resulting in suspension of his truck-driving license and preventing him from working for three months. He also alleged that Defendants withheld a final paycheck of approximately \$4,000 and withheld wages from other drivers. The complaint sought \$37,234 and included pay stubs, affidavits, witness statements, and a lease agreement, but did not clearly identify the causes of action or the legal theories asserted.

PROCEDURAL HISTORY

Amin filed the complaint in federal district court on December 18, 2024, asserting diversity jurisdiction and seeking \$37,234 based on alleged wage withholding and a false report to the Federal Motor Carrier Safety Administration. Defendants moved to dismiss, and the motion was briefed. Amin failed to appear at the April 3, 2025 hearing. The magistrate judge recommended granting the motion to dismiss with leave to amend and allowing 21 days to file a first amended complaint, subject to review by the assigned district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that Defendants' motion to dismiss be granted with leave to amend and that Plaintiff be allowed 21 days to file a First Amended Complaint specifically identifying the laws allegedly violated, torts asserted, or other legal wrongs alleged.

CASES CITED

- Safe Air for Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004)
- Williams v. A&M Bros, LLC, 2023 WL 4747481 (E.D. Cal. July 25, 2023)
- N. Star Int'l v. Ariz. Corp. Comm'n, 720 F.2d 578, 581 (9th Cir. 1983)
- Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Walker v. Fred Meyer, Inc., 953 F.3d 1082, 1086 (9th Cir. 2020)
- Paulsen v. CNF, Inc., 559 F.3d 1061, 1071 (9th Cir. 2009)
- Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters, 459 U.S. 519, 526 (1983)
- McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996)
- Geographic Expeditions, Inc. v. Estate of Lhotka, 599 F.3d 1102, 1106 (9th Cir. 2010)
- Rivera v. Countrywide Home Loans, No. 15-cv-6086-GW (FFMX), 2015 WL 12781238, at *2 (C.D. Cal. Nov. 12, 2015)
- U.S. Pub. v. People in U.S., No. 24-cv-0369-BAS-VET, 2024 WL 1685215, at *1 (S.D. Cal. Apr. 18, 2024)
- Thinket Ink Info. Res., Inc. v. Sun Microsystems, Inc., 368 F.3d 1053, 1061 (9th Cir. 2004)
- Seymour v. Mut. of N.Y. Life Ins. Co., No. 20-cv-7578 PA (JEMX), 2021 WL 4497502, at *2 (C.D. Cal. Mar. 1, 2021)
- Prout v. Costco, No. 24-cv-703 JLS (DEB), 2024 WL 2060143, at *3 (S.D. Cal. May 8, 2024)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 NAJIBULLA AMIN, No. 2:24-cv-03557-TLN-SCR 12 Plaintiff, 13 v.
FINDINGS AND RECOMMENDATIONS 14 DAMAN MOMAND, et al., 15 Defendants. 16 17
Plaintiff proceeds pro se in this matter, which is referred to the undersigned pursuant to 18 Local
Rule 302(c)(21).

Before the Court is Defendants' Motion to Dismiss (ECF No. 10 & 12) 19 which seeks to dismiss
the complaint for lack of subject matter jurisdiction and for failure to state 20 a claim. Opposition
and reply briefs have been filed. ECF Nos. 13 & 14.

On April 3, 2025, 21 Plaintiff failed to appear at a hearing on Defendant's motion. The Court
recommends that the 22 Motion to Dismiss be GRANTED without leave to amend. 23 I.
Background and Procedural History 24 The Complaint was filed on December 18, 2024. ECF No.
1. Plaintiff alleges that 25 jurisdiction is based on diversity of citizenship and that Defendants owe
him \$37,234.

Id. at 5. It 26 appears that Plaintiff alleges Defendants made a false report that Plaintiff refused a
drug and 27 1 The motion was filed twice, as it was improperly noticed before Judge Nunley and
was required 28 to be re-noticed before the undersigned. ECF No. 11. 1 alcohol test which resulted
in Plaintiff's truck-driving license being suspended for three months.

2 Id. Attached to the Complaint are some pay stubs as well as a "personal statement" from a 3
purported witness. Id. at 14. The statement claims that Defendant Mr. Momand fired Plaintiff 4
and then made a false report about him to the Federal Motor Carrier Safety Administration 5
("FMCSA"). Id. The statement claims Defendants withheld Plaintiff's wages, and wages of 6 other
drivers.

Id. Plaintiff attaches additional affidavits with similar information, though much of 7 it vague. Id.
at 15-18. There is also a purported unsigned statement from Plaintiff. Id. at 19-20. 8 It states
Defendants withheld a final paycheck in the amount of \$4,000 and made a false report to 9
FMCSA, which resulted in Plaintiff being unable to work for three months.

10 II. Legal Standard for Motion to Dismiss Under Rule 12(b)(1) 11 A motion under Rule 12(b)(1)
challenges the court's subject-matter jurisdiction over the 12 action. Such jurisdictional challenge
can be either facial or factual. *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir.
2004). "In a facial attack, the challenger asserts that the 14 allegations contained in a complaint are
insufficient on their face to invoke federal jurisdiction.

15 By contrast, in a factual attack, the challenger disputes the truth of the allegations that, by 16
themselves, would otherwise invoke federal jurisdiction." Id. In resolving a factual attack on 17
jurisdiction, the court may review evidence beyond the complaint without converting the motion

18 to dismiss into a motion for summary judgment. *Id.* If a facial challenge is made, the court 19 presumes the truth of a plaintiff's allegations and draws all reasonable inferences therefrom.

20 *Williams v. A&M Bros, LLC*, 2023 WL 4747481 (E.D. Cal. July 25, 2023) (citation and quotation 21 omitted). 22 III. Legal Standard on a Motion to Dismiss under Rule 12(b)(6) 23 The purpose of a motion to dismiss pursuant to Rule 12(b)(6) is to test the legal 24 sufficiency of the complaint. *N. Star Int'l v. Ariz. Corp. Comm'n*, 720 F.2d 578, 581 (9th Cir. 25 1983). "Dismissal can be based on the lack of a cognizable legal theory or the absence of 26 sufficient facts alleged under a cognizable legal theory." *Balistreri v. Pacifica Police Dep't*, 901 27 F.2d 696, 699 (9th Cir.

1990). A plaintiff is required to allege "enough facts to state a claim to 28 relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "A 1 claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw 2 the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. 3 Iqbal*, 556 U.S. 662, 678 (2009).

4 In determining whether a complaint states a claim on which relief may be granted, the 5 court accepts as true all well-pleaded factual allegations in the complaint and construes the 6 allegations in the light most favorable to the plaintiff. *Walker v. Fred Meyer, Inc.*, 953 F.3d 1082, 7 1086 (9th Cir. 2020).

However, the court need not assume the truth of legal conclusions cast in 8 the form of factual allegations. *Paulsen v. CNF, Inc.*, 559 F.3d 1061, 1071 (9th Cir. 2009). 9 While Rule 8(a) does not require detailed factual allegations, "it demands more than an 10 unadorned, the-defendant-unlawfully-harmed-me accusation." *Iqbal*, 556 U.S. at 678. A 11 pleading is insufficient if it offers mere "labels and conclusions" or "a formulaic recitation of the 12 elements of a cause of action." *Twombly*, 550 U.S. at 555; see also *Iqbal*, 556 U.S. at 678 13 ("Threadbare recitals of the elements of a cause of action, supported by mere conclusory 14 statements, do not suffice.").

It is inappropriate to assume that the plaintiff "can prove facts that 15 it has not alleged or that the defendants have violated the... laws in ways that have not been 16 alleged." *Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters*, 459 U.S. 17 519, 526 (1983). 18 IV. Analysis 19 Defendants move to dismiss Plaintiff's Complaint on two primary grounds: 1) the Court 20 lacks subject matter jurisdiction because the amount in controversy is not met for purposes of 21 diversity of citizenship jurisdiction; and 2) Plaintiff fails to state a claim.

ECF No. 12 at 2. 22 Defendants' jurisdictional challenge is facial – it argues that jurisdiction is not established, even 23 taking the allegations in the Complaint as true. Alternatively, Defendants move for more definite 24 statement pursuant to Rule 12(e). Rule 12(e) allows for a motion for more definite statement 25 when a complaint is "so vague or ambiguous that the party cannot reasonably prepare a 26 response." Fed.

R. Civ. P. 12(e). If the court issues an order requiring a more definite statement, 27 and the order is not complied with, the court may strike the pleading. *Id.*; see also *McHenry v. 28 Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996). 1 A. Subject Matter Jurisdiction 2 The Complaint does not satisfy the amount-in-controversy requirement for diversity 3 jurisdiction.

It alleges damages of just \$37,234. ECF No. 12 at 5.2 This fails to meet the 4 requirement of more than \$75,000 provided by 28 U.S.C. § 1332(a). 5 When a complaint is filed initially in federal court, as it was here, “the amount in 6 controversy is determined from the face of the pleadings.” *Geographic Expeditions, Inc. v. Estate 7 of Lhotka*, 599 F.3d 1102, 1106 (9th Cir.

2010). The amount alleged in the complaint controls so 8 long as the claim is made in good faith. *Id.* 9 As Defendants note, Plaintiff’s opposition brief does not argue that the amount-in- 10 controversy requirement is met. ECF No. 14 at 2. Plaintiff’s opposition states that the damages 11 he claims are \$4,000 in withheld funds and three months of lost wages for when Plaintiff could 12 not work due to the false report to FMCSA.

ECF No. 13 at 1. Plaintiff further states that 13 Defendant Mr. Momand “added over \$70,000 on my 1099” causing him to pay more taxes. ECF 14 No. 13 at 2. There is no suggestion of damages that might exceed \$75,000. “The Court cannot 15 exercise jurisdiction in this matter [unless] Plaintiff alleges in good faith that the aggregate 16 amount in controversy exceeds the statutory minimum.” *Rivera v. Countrywide Home Loans*, No. 17 15-cv-6086-GW (FFMX), 2015 WL 12781238, at *2 (C.D.

Cal. Nov. 12, 2015); see also *U.S. 18 Pub. v. People in U.S.*, No. 24-cv-0369-BAS-VET, 2024 WL 1685215, at *1 (S.D. Cal. Apr. 18, 19 2024) (finding diversity jurisdiction lacking where “[p]laintiffs fail[ed] to plead the amount in 20 controversy in this case exceeds \$75,000 and fail[ed] to allege any facts that could reasonably 21 establish this threshold amount in controversy”).

22 The only question is whether Plaintiff should be granted leave to amend. The fact that 23 Plaintiff has not pleaded any particular cause of action hinders meaningful evaluation of whether 24 he could, through amendment, exceed the \$75,000 requirement. “Dismissal without leave to 25 amend is improper unless it is clear... that the complaint could not be saved by any amendment.” 26 *Thinket Ink Info.*

Res., Inc. v. Sun Microsystems, Inc., 368 F.3d 1053, 1061 (9th Cir. 2004). It is 27 2 Page references herein are to the number generated by the Court’s CM/ECF system and 28 appearing on the upper right corner of the page. 1 not inconceivable that Plaintiff could plead causes of action, whether torts or violation of 2 employment-related laws, that would allow Plaintiff to make a good faith claim of more than 3 \$75,000 in damages.³ Accordingly, on this first motion to dismiss, and

in light of the leniency to 4 be accorded to plaintiffs representing themselves, it is not so clear that amendment would be 5 futile such as to preclude leave to amend.

Cf. *Seymour v. Mut. of N.Y. Life Ins. Co.*, No. 20-cv- 6 7578 PA (JEMX), 2021 WL 4497502, at *2 (C.D. Cal. Mar. 1, 2021) (“[A] district court may, 7 and should, grant leave to amend when it appears that subject matter jurisdiction may exist—even 8 though the [complaint] inadequately alleges jurisdiction.”); *Prout v. Costco*, No. 24-cv-703 JLS 9 (DEB), 2024 WL 2060143, at *3 (S.D.

Cal. May 8, 2024) (granting leave to amend for failure to 10 satisfy amount-in-controversy requirement, among other defects, even though “[t]he Complaint 11 does not contain an alleged amount in controversy, but instead asserts only that Plaintiff suffered 12 from ‘bumps,’ ‘bruises,’ and emotional distress.”).

The undersigned accordingly recommends 13 dismissal for lack of subject matter jurisdiction, but with leave to amend. 14 B. Failure to State a Claim 15 Defendant also argues that the Complaint lacks a cognizable legal theory. ECF No. 12 at 16 6. Regarding the allegations of a false report to FMCSA, Defendant argues it is unclear whether 17 Plaintiff is alleging an intentional act or negligence.

18 As to Plaintiff’s claim of failure to provide a final paycheck, Defendants argue that 19 Plaintiff has not alleged he was an employee of either Defendant. ECF No. 12 at 7. Defendants 20 argue that “defenses and potential liability under a wage claim are different than those under a 21 breach of contract or common count claim,” and they cannot respond without clearer allegations.

22 Id. at 8. Thus, Defendants argue alternatively that the Court order a more definite statement 23 under Fed. R. Civ. P. 12(e). 24 /// 25 26 3 Plaintiff states that Defendants warned him they would destroy his life, which he contends they did by making a false report to FMCSA which led to a 3-month loss of work. ECF No. 1 at 5. 27 Plaintiff also states Defendants refused to pay him his final paycheck.

Id. Plaintiff also attaches a “Lease Agreement” between himself and Defendant Momand Trucking, Inc. (ECF No. 1 at 28), 28 but it doesn’t appear that he is alleging breach of contract.] As noted above, the Complaint is brief and does not contain clearly delineated causes of 2 || action.

Accordingly, the Complaint should be dismissed for failure to state a claim. Plaintiff 3 || should be granted leave to amend to specifically identify what law or laws he believes Defendants 4 || violated and/or what torts or other legal wrongs he believes they committed. 5 V. CONCLUSION 6 For the foregoing reasons, IT IS HEREBY RECOMMENDED: 7 1. Defendant’s Motion to Dismiss (ECF Nos. 10 & 12) be GRANTED, with leave to 8 amend; and, 9 2.

Plaintiff be allowed 21 days to file a First Amended Complaint. 10 These findings and recommendations will be submitted to the United States District 11 | Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen 12 || days after being served with these findings and recommendations, either party may file written 13 | objections with the court.

The document should be captioned “Objections to Magistrate Judge's 14 | Findings and Recommendations.” The parties are advised that failure to file objections within the 15 | specified time may result in waiver of the right to appeal the district court’s order. *Martinez v. 16 | Yist*, 951 F.2d 1153 (9th Cir. 1991). 17 | DATED: April 3, 2025. 18 19 21 SEAN C. RIORDAN 22 UNITED STATES MAGISTRATE JUDGE 23 24 25 26 27 28