

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Firsov v. Frontier Airlines, Inc.

Firsov · No. 25-cv-02898-SVK · Decided June 6, 2025

SUMMARY

The United States District Court for the Northern District of California denied Sergey Firsov’s motion to withdraw consent to magistrate judge jurisdiction. The court held that Plaintiff’s disagreement with rulings concerning in forma pauperis status, filing fees, and sealing did not establish good cause or extraordinary circumstances, and returned the case to the magistrate judge for further proceedings.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 6, 2025
DOCKET	25-cv-02898-SVK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to withdraw his consent to magistrate judge jurisdiction after the magistrate judge denied his in forma pauperis application and required payment of the filing fee before issuance of summons. The district court denied the motion.
STANDARD OF REVIEW	A referral to a magistrate judge may be vacated for good cause shown on the court's own motion or upon a party's showing of extraordinary circumstances. Mere disagreement with a magistrate judge's ruling is insufficient.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

civil procedure

PRACTICE AREAS

civil procedure federal courts

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated good cause or extraordinary circumstances sufficient to vacate his consent to magistrate judge jurisdiction.

HOLDINGS

1. Plaintiff failed to show good cause or extraordinary circumstances warranting withdrawal of his consent; disagreement with the magistrate judge's rulings concerning the in forma pauperis application, filing fee, and sealing request was insufficient.

KEY QUOTATIONS

“There is no absolute right, in a civil case, to withdraw consent to trial and other proceedings before a magistrate judge.” (Legal Standard)

“The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge.” (Legal Standard)

“Neither mere dissatisfaction with a magistrate judge's decision, nor unadorned accusations that such decisions reflect judicial bias, will suffice” (Discussion)

FACTUAL BACKGROUND

Plaintiff purchased airline tickets involving Lufthansa, Frontier Airlines, and United Airlines and alleged that Frontier and United refused to honor baggage and pet-in-cabin arrangements. After filing suit, Plaintiff sought to proceed in forma pauperis and consented to magistrate judge jurisdiction. Following denial of his in forma pauperis application and related rulings concerning payment of the filing fee and sealing the application, Plaintiff sought to withdraw his consent.

PROCEDURAL HISTORY

Plaintiff filed this action and consented to magistrate judge jurisdiction for all purposes. After the magistrate judge denied his in forma pauperis application, required payment of the filing fee, and handled related motions, Plaintiff moved to withdraw his consent and filed an amended consent/declination form. The magistrate judge referred the withdrawal motion to the district judge, who denied it and returned the case to the magistrate judge for further proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The court returned the case to Judge van Keulen for further proceedings.

CASES CITED

- Dixon v. Ylst, 990 F.2d 478, 480 (9th Cir. 1993)

- Branch v. Umphenour, 936 F.3d 994, 1001–02, 1004 (9th Cir. 2019)

OPINION

Firsov v. Frontier Airlines, Inc

PER CURIAM.

1 2

3 UNITED STATES DISTRICT COURT

4 NORTHERN DISTRICT OF CALIFORNIA

5 SAN JOSE DIVISION

6 7 SERGEY FIRSOV, Case No. 25-cv-02898-SVK 8 Plaintiff,

ORDER DENYING PLAINTIFF'S

9 v. MOTION TO WITHDRAW CONSENT

10 FRONTIER AIRLINES, INC, [Re: ECF No. 14, 17]

11 Defendant. 12

13 Before the Court is Plaintiff Sergey Firsov's ("Plaintiff"), proceeding pro se, motion to 14
withdraw consent to magistrate judge jurisdiction. ECF 17 ("Mot."). For the reasons explained 15
below, the Court DENIES Plaintiff's motion to withdraw consent.

16 I. BACKGROUND

17 In his Complaint, Plaintiff alleges that, on February 7, 2025, he "purchased round-trip ticket 18
SFO-MUC-WAW-FRA-PHL-SFO" through Lufthansa Airlines. ECF 1, Complaint ("Compl.") at
19 3. He further alleges that, on March 15, 2025, Plaintiff purchased a "connection ticket PHL-
ATL" 20 from Defendant Frontier Airlines, Inc. ("Defendant"). Id. On the same day, Plaintiff
alleges that he 21 purchased another "connection ticket ATL-SFO" from United Airlines. Id. On
March 23, 2025, 22 Plaintiff alleges that he checked baggage and pet in cabin in WAW airport in
Warsaw, Poland. Id. 23 Plaintiff claims he later arrived in PHL airport in Philadelphia, PA. Id.
Plaintiff alleges that, on

24 March 24, 2025, Defendant and United Airlines "refused to respect baggage tag and pet in
cabin"

25 from Lufthansa Airlines. Id. On March 25, 2025, Plaintiff requested refunds. Id. United Airlines
26 issued a refund "but Defendant refused." Id. The Court notes that since March 2025, Plaintiff
has 27 filed 10 similar cases against other airlines. 1 Convention MC99. Compl. at 2. On March
28, 2025, Plaintiff filed a motion for leave to proceed in 2 forma pauperis ("IFP"). ECF 3. On or
about April 1, 2025, Plaintiff mailed the Court his consent to 3 Magistrate Judge Jurisdiction for
all purposes. ECF 6. On or about the same day, Plaintiff mailed a 4 letter which stated that his IFP
application should be "filed separately as confidential." ECF 8. The 5 Court received Plaintiff's
consent and his letter on April 4, 2025. ECF 6, 8. 6 On April 3, 2025, the Court denied Plaintiff's
IFP application, and set a deadline of May 5, 7 2025, for Plaintiff to pay the filing fee of \$405.00.
ECF 5. On April 29, 2025, the Court suspended 8 the deadline for Plaintiff to pay the filing fee

while the Court considered Plaintiff's motion for reconsideration of the order denying Plaintiff's IFP application. ECF 10. The Court directed Plaintiff to submit a declaration under penalty of perjury concerning his ability to pay the filing fee by May 11, 2025. Id. Plaintiff did not file the declaration. On May 21, 2025, Plaintiff filed a motion to disqualify judge for cause. ECF 12. On May 28, 2025, the Court denied Plaintiff's motion for reconsideration of the IFP order and denied Plaintiff's motion to disqualify judge. ECF 13. The Court also set a deadline of June 18, 2025, for Plaintiff to pay the filing fee. ECF 13. Plaintiff subsequently filed a motion to withdraw his consent to a magistrate judge, ECF 14, along with an amended consent/declination form, ECF 15. On June 5, 2025, the magistrate judge referred Plaintiff's motion to withdraw consent to the undersigned judge. ECF 17.

19 II. LEGAL STANDARD

20 A magistrate judge may conduct all proceedings upon the consent of all the parties in a civil action. 28 U.S.C. § 636(c)(1). "There is no absolute right, in a civil case, to withdraw consent to trial and other proceedings before a magistrate judge." *Dixon v. Ylst*, 990 F.2d 478, 480 (9th Cir. 23 2003). Federal Rule of Civil Procedure 73(b)(3) provides that only "the district judge may vacate a referral to a magistrate judge." "The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge." *Branch v. Umphenour*, 936 F.3d 994, 1001–02 (9th Cir. 2019) (citing 28 U.S.C. § 636(c)(4)).

27 III. DISCUSSION

1 fee before a summons can be issued. Mot. at 2. Plaintiff further contends that his IFP application 2 should be filed under seal. 3 The Court finds that Plaintiff has failed to show good cause or extraordinary circumstances 4 || that warrant his withdrawal of consent to magistrate judge jurisdiction. Plaintiff's request is at best 5 || based on his disagreement with the denial of his IFP application and the magistrate judge's order 6 || requiring him to pay the filing fee before issuing summons. Plaintiff's disagreement with the 7 || magistrate judge's ruling is insufficient. See *Branch v. Umphenour*, 936 F.3d 994, 1004 (9th Cir. 8 2019) ("Neither mere dissatisfaction with a magistrate judge's decision, nor unadorned accusations 9 || that such decisions reflect judicial bias, will suffice" the requirement for withdrawal of magistrate 10 || judge jurisdiction.). The Court notes that Plaintiff neither filed a motion to seal his IFP application 11 under Civ. L.R. 79-5 nor demonstrated that the standards for sealing have met. See ECF 3. Thus, 12 || Plaintiff has failed to show how the magistrate judge failed to provide a reasonable decision for 13 denying his request to seal his IFP application. See Mot. at 3. The Court also notes that Plaintiff 14 || cited multiple authorities in his motion. See Mot. at 2-3. But none of Plaintiff's authorities supports 15 his argument that the magistrate judge is incorrect in requiring him to pay the filing fee before 16 || issuing summons or that his IFP application should be filed under seal.

2 17 || IV. ORDER

Z 18 For the foregoing reasons, the Court DENIES Plaintiff's motion to withdraw consent to 19

magistrate judge jurisdiction. The Court returns this case to Judge van Keulen for further 20 ||
proceedings. 21 22 Dated: June 6, 2025 23
B LABSON FREEMAN
24 United States District Judge 25 26 27 28