

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

Jacqueline Valentine v. San Mateo County, et al.

Valentine v. San Mateo County · No. 25-cv-05607-LJC · Decided August 13, 2025

SUMMARY

The United States District Court for the Northern District of California grants Jacqueline Valentine’s application to proceed in forma pauperis. The court orders her to show cause by filing an amended complaint explaining the basis for federal subject-matter jurisdiction, noting that the pleaded claims appear to arise under California law and that diversity jurisdiction has not been adequately alleged.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
JACQUELINE VALENTINE, Case No. 25-cv-05607-LJC 8 Plaintiff, ORDER GRANTING
PLAINTIFF’S 9 v. APPLICATION TO PROCEED IN FORMA PAUPERIS; ORDER TO 10 SAN
MATEO COUNTY, et al., SHOW CAUSE 11 Defendants. Re: Dkt. No. 2 12 13 14 A. Application
to Proceed in Forma Pauperis Plaintiff Jacqueline Valentine has filed an Application to Proceed In
Forma Pauperis.

15 ECF No. 3. Sufficient cause having been shown, her application is GRANTED. 16 17 B.
Sufficiency of Complaint A district court must dismiss a case filed without the payment of the
filing fee whenever it 18 determines that the action “(i) is frivolous or malicious; (ii) fails to state
a claim on which relief 19 may be granted; or (iii) seeks monetary relief against a defendant who
is immune from such 20 relief.” 28 U.S.C. § 1915(e)(2)(B)(i)–(iii).

If the Court dismisses a case pursuant to 21 § 1915(e)(2)(B), the plaintiff may still file the same
complaint by paying the filing fee. Such 22 dismissal is not on the merits, but rather an exercise of
the court’s discretion under the statute 23 governing cases filed in forma pauperis. *Denton v.*
Hernandez, 504 U.S. 25, 32 (1992). Courts 24 conducting this review assess whether the
complaint “lacks an arguable basis either in law or in 25 fact.” *Neitzke v. Williams*, 490 U.S. 319,
325 (1989).

26 “Federal courts are courts of limited jurisdiction. They possess only that power authorized 27 1
(1994). Among other requirements, federal courts may only hear cases that they have subject 2
matter jurisdiction over. See *People of State of Cal. ex rel. Younger v. Andrus*, 608 F.2d 1247, 3
1249 (9th Cir. 1979). There are two bases for original subject matter jurisdiction of civil cases: 4
federal question jurisdiction over cases “arising under the Constitution, laws, or treaties of the 5
United States[,]” and diversity jurisdiction, where “the matter in controversy exceeds the sum or 6

value of \$75,000, exclusive of interest and costs, and is between...citizens of different States.” 28 7 U.S.C. §§ 1331, 1332(a).

Courts have an ongoing “obligation to consider sua sponte whether” 8 they have cases subject matter jurisdiction over cases in front of them. *Valdez v. Allstate Ins. Co.*, 9 372 F.3d 1115, 1116 (9th Cir. 2004). A complaint must include “a short and plain statement of 10 the grounds for the court’s jurisdiction[.]” Fed. R. Civ. P. 8(a). “A federal court is presumed to 11 lack jurisdiction in a particular case unless the contrary affirmatively appears.” Gen.

Atomic Co. 12 v. *United Nuclear Corp.*, 655 F.2d 968, 968-69 (9th Cir. 1981). 13 Plaintiff’s complaint does not include “a short and plain statement of the grounds for the 14 court’s jurisdiction” and the Court does not ascertain any grounds for federal question jurisdiction 15 or diversity jurisdiction over the case. Plaintiff alleges that Defendants San Mateo County, Daniel 16 Radovich, and Sarah Burdick violated Sections 52.1 and 51 of the California Civil Code and 17 Section 11135 of the California Government Code, and that Defendants negligently and 18 intentionally caused Plaintiff emotional distress.

ECF No. 1 at 2. As Plaintiff’s claims do not 19 arise “under the Constitution, laws, or treaties of the United States,” there is no apparent basis for 20 federal question jurisdiction. 28 U.S.C. §§ 1331. Plaintiff alleges that she resides in Nipomo, 21 California, which the Court takes to mean that she is a citizen of California. ECF No. 1 at 1. San 22 Mateo County is a citizen of California.

See *Moor v. Alameda Cnty.*, 411 U.S. 693, 721 (1973) 23 (holding that California counties are “treated as...citizen[s] of California” for diversity jurisdiction 24 purposes). Plaintiff does not allege what state Defendants Radovich and Burdick are citizens of, 25 although her allegations regarding their roles with the San Mateo County Superior Court suggest 26 that they are also citizens of California.

Plaintiff has not alleged that the amount in controversy in 27 this lawsuit exceeds \$75,000. Because Plaintiff has not alleged that she and the defendants are 1 appear to have diversity jurisdiction over this action. 2 Plaintiffs application to proceed in forma pauperis is GRANTED and Plaintiff is 3 ORDERED TO SHOW CAUSE why this case should not be dismissed by filing an amended 4 || complaint including a “short and plain statement of the grounds for the court’s jurisdiction[.]” 5 Fed.

R. Civ. P. 8(a). To establish jurisdiction, the amended complaint must either 1) assert a claim 6 || against Defendants based on a violation of the U.S. constitution or federal laws, and/or 2) allege 7 that Plaintiff is not a citizen of the same state as any Defendants and that the amount of money 8 Plaintiff seeks from Defendants is over \$75,000.

The amended complaint shall be filed no later 9 than September 3, 2025 from the date of this Order. 10 Failure to allege that the Court has jurisdiction over this case will result in the

undersigned 11 preparing a Report and Recommendation that the action be dismissed for lack of jurisdiction. 12 The Court encourages Plaintiff to access the Northern District's resources for pro se 13 litigants, available online at: <https://cand.uscourts.gov/pro-se-litigants/>.

14 IT IS SO ORDERED. a 16 Dated: August 13, 2025 18) L J. CI OS 19 ed States Magistrate Judge 20 21 22 23 24 25 26 27 28