

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Foster v. Airbnb, Inc.

No. 25-cv-01365-DMR (N.D. Cal. May 12, 2025) · No. 25-cv-01365-DMR · Decided May 12, 2025

SUMMARY

The court ordered the self-represented plaintiff to show cause why his action against Airbnb should not be dismissed for lack of federal subject matter jurisdiction. The court concluded that the claim appears to arise under state contract law, does not present a federal question, and seeks less than the amount required for diversity jurisdiction.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
TRAVIS FOSTER, Case No. 25-cv-01365-DMR 8 Plaintiff, ORDER TO SHOW CAUSE RE: 9 v.
SUBJECT MATTER JURISDICTION 10 AIRBNB, INC., 11 Defendant. 12 Self-represented
Plaintiff Travis Foster filed a complaint and an application to proceed in 13 forma pauperis
("IFP"). [Docket Nos. 1, 2.] Plaintiff brings his claim against Defendant Airbnb, 14 Inc. Plaintiff
alleges that he rented a property on Defendant's platform and Defendant agreed to 15 refund
Plaintiff \$2,633.66.

However, Defendant failed to refund Plaintiff. Plaintiff lists his 16 address as Detroit, Michigan,
and Defendant's address as San Francisco, California. Although he 17 states that his case belongs
in federal court under federal question jurisdiction, he does not specify 18 a particular federal law
or statute he is suing under, and he requests that the case be assigned to the 19 "Small Claims"
division of the court.

20 It appears that Plaintiff's case belongs in California state court, not federal court. Federal 21
courts are courts of limited jurisdiction, and a "federal court is presumed to lack jurisdiction in a
22 particular case unless the contrary affirmatively appears." *Stock W., Inc. v. Confederated
Tribes*, 23 873 F.2d 1221, 1225 (9th Cir. 1989) (citations omitted).

Federal subject matter jurisdiction under 24 28 U.S.C. § 1331 requires a civil action to arise under
the constitution, laws, or treaties of the 25 United States. "[T]he presence or absence of federal-
question jurisdiction is governed by the 26 'well-pleaded complaint rule,' which provides that
federal jurisdiction exists only when a federal 27 question is presented on the face of the plaintiff's
properly pleaded complaint." *Rivet v. Regions* 1 (1987)).

A district court has diversity jurisdiction where the parties are diverse and “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.” 28 U.S.C. §1332. Plaintiff’s complaint sounds in contract law, which is state law. Plaintiff does not plead a federal question. And although there may be complete diversity, the matter in controversy is less than \$75,000.

Plaintiff does not plead diversity jurisdiction. Indeed, Plaintiff seems to have requested to be heard by a “Small Claims” division; small claims court is part of the state court system, not federal court. In light of the foregoing, the court orders Plaintiff to respond by June 2, 2025 and explain in writing why this action may be brought in federal court.

If Plaintiff does not respond by that date or his response fails to establish a basis for federal subject matter jurisdiction, the court will prepare a report and recommendation recommending that a district judge dismiss this case without prejudice to Plaintiff bringing his complaint in state court.

The Case Management Conference set for June 4, 2025 is VACATED and will be re-set by the court if appropriate. IT IS SO ORDERED. Dated: May 12, 2025

DONNA M. RYU
Chief Magistrate Judge