

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

OPINION

Foster v. Airbnb, Inc.

PER CURIAM.

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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 2
controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.” 28 U.S.C. 3
§1332. 4 Plaintiff’s complaint sounds in contract law, which is state law. Plaintiff does not plead a
5 federal question. And although there may be complete diversity, the matter in controversy is less
6 than \$75,000. Plaintiff does not plead diversity jurisdiction. Indeed, Plaintiff seems to have 7

requested to be heard by a “Small Claims” division; small claims court is part of the state court 8 system, not federal court. 9 In light of the foregoing, the court orders Plaintiff to respond by June 2, 2025 and explain 10 in writing why this action may be brought in federal court. If Plaintiff does not respond by that 11 date or his response fails to establish a basis for federal subject matter jurisdiction, the court will 12 prepare a report and recommendation recommending that a district judge dismiss this case 13 without prejudice to Plaintiff bringing his complaint in state court. The Case Management 14 Conference set for June 4, 2025 is VACATED and will be re-set by the court if appropriate. 15 16 IT IS SO ORDERED. 17 Dated: May 12, 2025

DONNA M. RYU

18 Chief Magistrate Judge 19 20 21 22 23 24 25 26 27