

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Boutros v. The UPS Store Corporate

Case No. 25-cv-514-RSH-KSC · No. 25-cv-514-RSH-KSC · Decided March 12, 2025

SUMMARY

The United States District Court for the Southern District of California sua sponte dismissed Plaintiff Zinia Ezzet Boutros’s action against The UPS Store Corporate without prejudice. The court held that the complaint did not establish federal-question or diversity jurisdiction and granted Plaintiff 30 days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 12, 2025
DOCKET	25-cv-514-RSH-KSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiff filed a complaint against The UPS Store Corporate. The district court sua sponte dismissed the action without prejudice for failure to establish subject-matter jurisdiction and granted leave to amend.
STANDARD OF REVIEW	The court independently determines whether subject-matter jurisdiction exists, even absent a challenge by a party; the party asserting federal jurisdiction bears the burden of establishing it.
PRECEDENTIAL VALUE	unknown

TOPICS

- subject matter jurisdiction
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- federal jurisdiction

QUESTIONS PRESENTED

1. Whether the complaint established federal subject-matter jurisdiction through a federal question or diversity of citizenship.
2. Whether the action should be dismissed sua sponte for failure to establish subject-matter jurisdiction.

HOLDINGS

1. The complaint failed to establish federal subject-matter jurisdiction because it identified no cognizable federal claim and did not indicate that the parties were diverse or that the amount in controversy exceeded the statutory threshold.
2. The court may and must determine subject-matter jurisdiction sua sponte and dismiss an action when the complaint fails to establish it.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction.” (1)

“Courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.”” (1)

“For the above reasons, the Court DISMISSES the action without prejudice. If Plaintiff wishes, she may file an Amended Complaint within 30 days of the filing date of Order.” (2)

FACTUAL BACKGROUND

Zinia Ezzet Boutros, proceeding pro se, filed an action naming “The UPS Store Corporate” as the sole defendant. The complaint did not identify a cognizable federal claim or otherwise state a claim that the court could identify. It also did not show diversity of citizenship, an amount in controversy exceeding the statutory threshold, or clearly identify the relief sought.

PROCEDURAL HISTORY

Plaintiff initiated the action by filing a complaint naming a single defendant. The district court independently reviewed subject-matter jurisdiction and concluded that the complaint identified neither a cognizable federal claim nor facts establishing diversity jurisdiction. The court dismissed without prejudice and allowed plaintiff 30 days to file an amended complaint.

DISPOSITION

dismissed

CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Arbaugh v. Y & H Corp., 546 U.S. 500, 503 (2006)
- Corral v. Select Portfolio Servicing, Inc., 878 F.3d 770, 773 (9th Cir. 2017)

- Caterpillar, Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Lira v. Herrera, 18 F.3d 1164, 1169 (9th Cir. 2005)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 ZINIA EZZET BOUTROS, Case No.: 25-cv-514-RSH-KSC 12 Plaintiff,
ORDER OF DISMISSAL 13 v. 14 THE UPS STORE CORPORATE, 15 Defendant. 16 17 18 19
Plaintiff Zinia Ezzet Boutros, proceeding pro se, initiated the instant lawsuit naming 20 a single
defendant, “The UPS Store Corporate.” ECF No. 1.

The Court concludes sua 21 sponte dismissal of this action is warranted. 22 “Federal courts are
courts of limited jurisdiction.” Kokkonen v. Guardian Life Ins. 23 Co. of Am., 511 U.S. 375, 377
(1994). It is “presumed that a cause lies outside this limited 24 jurisdiction, and the burden of
establishing the contrary rests upon the party asserting 25 jurisdiction.” Id. (internal citation
omitted).

Courts “have an independent obligation to 26 determine whether subject-matter jurisdiction exists,
even in the absence of a challenge 27 from any party.” Arbaugh v. Y & H Corp., 546 U.S. 500, 503
(2006). “[T]he requirement 28 that jurisdiction be established as a threshold matter is inflexible
and without exception; 1 || for jurisdiction is power to declare the law, and without jurisdiction the
court cannot 2 || proceed at all in any cause.” Corral v. Select Portfolio Servicing, Inc., 878 F.3d
770, 773 3 Cir.

2017) (internal quotation marks omitted). In civil actions, federal subject matter 4 jurisdiction
exists where: (1) the requirements for diversity jurisdiction are met; or (2) the 5 ||complaint
involves a federal question. Caterpillar, Inc. v. Williams, 482 U.S. 386, 392 6 ||(1987); see 28
U.S.C. §§ 1331, 1332. 7 Here, Plaintiff has not met her burden of establishing the Court’s subject
matter 8 || jurisdiction in this case.

The Court is unable to identify a cognizable federal claim (or any 9 || claim) in Plaintiff’s
Complaint. There is also no indication that any defendants in this action 10 |are diverse or that any
monetary amount Plaintiff may seek would exceed the statutory 11 threshold. Indeed, it is not
clear what relief Plaintiff is seeking.

In short, □□□□□□□□□□ 12 ||}complaint fails to set forth a basis for this Court’s subject matter
jurisdiction. 13 For the above reasons, the Court DISMISSES the action without prejudice. If 14 ||
Plaintiff wishes, she may file an Amended Complaint within 30 days of the filing date of 15
Order.

The Amended Complaint should clearly establish the Court’s subject matter 16 jurisdiction in this
case. Plaintiff is cautioned that a failure to file an Amended Complaint 17 || within the allotted
time may result in the dismissal of the entire action. See Lira v. Herrera, 18 F.3d 1164, 1169 (9th

Cir. 2005) (“If a plaintiff does not take advantage of the 19 || opportunity to fix his complaint, a district court may convert the dismissal of the complaint 20 || into dismissal of the entire action.”).

21 IT IS SO ORDERED. 22 || Dated: March 12, 2025. 23 / Pht ¢ Howe Hon. Robert S. Huie
United States District Judge 25 26 27 28

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