

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

OPINION

Boutros v. The UPS Store Corporate

PER CURIAM.

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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. 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 filling 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