

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Afifi v. McLaughlin & Sanchez LLP, et al.

Afifi · No. 4:25-cv-07984 · Decided October 7, 2025

SUMMARY

The United States District Court for the Northern District of California ordered Sabrina Afifi to show cause why her complaint against McLaughlin & Sanchez LLP and related defendants should not be dismissed. The court found that the complaint did not appear to establish federal-question or diversity jurisdiction and potentially failed to state a claim under 28 U.S.C. § 1915(e)(2)(B). The court allowed Plaintiff to file an amended complaint or response by October 21, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Joseph C. Spero
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 7, 2025
DOCKET	4:25-cv-07984
DISPOSITION	other
PROCEDURAL POSTURE	The court screened a pro se plaintiff's complaint after granting leave to proceed in forma pauperis and issued an order to show cause why the action should not be dismissed for lack of federal subject-matter jurisdiction and failure to plausibly state a claim.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis complaint must be dismissed if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Federal courts must also dismiss when no basis for federal subject-matter jurisdiction appears from the allegations. Pro se pleadings are construed liberally, and leave to amend must generally be granted unless the deficiencies cannot be cured by amendment.
PRECEDENTIAL VALUE	unpublished trial-court order; limited precedential value
PARTIES	Sabrina Afifi v. McLaughlin & Sanchez LLP, Darryl Yorkey, Michael McLaughlin, Andre Sanchez

TOPICS

subject matter jurisdiction

pleadings

civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

pro se litigation

QUESTIONS PRESENTED

1. Whether the complaint established federal-question or diversity subject-matter jurisdiction.
2. Whether the complaint was subject to screening and possible dismissal under 28 U.S.C. § 1915(e)(2)(B).
3. Whether a pro se plaintiff should be given an opportunity to amend before dismissal where the jurisdictional and pleading deficiencies may potentially be cured.

HOLDINGS

1. The complaint did not establish federal-question jurisdiction because it alleged no federal claims, and it did not establish diversity jurisdiction because it failed to allege facts showing complete diversity and did not plausibly show that more than \$75,000 was in controversy.
2. A complaint filed by a plaintiff proceeding in forma pauperis must be screened under 28 U.S.C. § 1915(e)(2)(B), including for failure to state a claim and lack of federal jurisdiction.
3. The court afforded Afifi an opportunity to amend the complaint or respond to the jurisdictional deficiencies before any recommendation of dismissal.

KEY QUOTATIONS

“Because the complaint does not appear to allege federal jurisdiction or plausibly state a claim, Plaintiff is ORDERED TO SHOW CAUSE why the complaint should not be dismissed.” (Opinion at 1)

“For the reasons discussed above, Plaintiff is ORDERED TO SHOW CAUSE why this case should not be dismissed for lack of federal jurisdiction.” (Opinion at 3)

FACTUAL BACKGROUND

Sabrina Afifi sued McLaughlin & Sanchez LLP, Darryl Yorkey, Michael McLaughlin, and Andre Sanchez based on alleged misconduct in an unlawful detainer action brought against her by Tina Chiang. Afifi alleged procedural manipulation, false representations, interference with access to justice, negligent supervision, harassment and procedural abuse, professional-conduct violations, sanctionable conduct, intentional infliction of emotional distress, and abuse of process. She did not identify a federal claim or allege facts showing complete diversity of citizenship and the required amount in controversy.

PROCEDURAL HISTORY

Afifi filed a complaint against attorneys and a law firm associated with an unlawful detainer action. The court granted her application to proceed in forma pauperis, reviewed the complaint under 28 U.S.C. § 1915(e)(2)(B), and found that the complaint did not allege a federal claim or facts establishing diversity jurisdiction. Rather

than dismissing immediately, the court ordered Afifi to file an amended complaint or response by October 21, 2025.

DISPOSITION

other

CASES CITED

- Marks v. Solcum, 98 F.3d 494, 495 (9th Cir. 1996)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)
- RM White LLC v. Ramirez, No. 24-CV-00485-SVK, 2024 WL 1051000, at *2 (N.D. Cal. Feb. 14, 2024)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)
- Lopez v. Smith, 203 F.3d 1122 (9th Cir. 2000) (en banc)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1261 (9th Cir. 1992)
- Karim-Panahi v. L.A. Police Dep't, 839 F.2d 621, 624 (9th Cir. 1988)
- Chiang v. Afifi, No. 23-cv-6235-JD
- Afifi, No. 24-cv-1342-JD
- Chiang v. Afifi, No. 25-cv-2074-CRB

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6
SABRINA AFIFI, 7 Case No. 25-cv-07984-JCS Plaintiff, 8 v. ORDER TO SHOW CAUSE WHY
9 CASE SHOULD NOT BE DISMISSED MCLAUGHLIN & SANCHEZ LLP, et al., 10
Defendants. 11 12 13 I. INTRODUCTION 14 Plaintiff applied to proceed in forma pauperis and
the Court granted her application. See 15 Docket No. 5.

The Court now reviews the sufficiency of Plaintiff’s complaint to determine 16 whether it satisfies
28 U.S.C. § 1915(e)(2)(B). Because the complaint does not appear to allege 17 federal jurisdiction
or plausibly state a claim, Plaintiff is ORDERED TO SHOW CAUSE why the 18 complaint
should not be dismissed. Plaintiff may file either an amended complaint or a response 19 to this
order addressing why her complaint is sufficient, no later than October 21, 2025.

20 II. BACKGROUND 21 In her Complaint, Plaintiff names as Defendants Darryl Yorkey,
McLaughlin Sanchez 22 LLP, Michael McLaughlin and Andre Sanchez, who she alleges
represented Tina Chiang in a 23 lawsuit asserted against Plaintiff and engaged in various forms of
misconduct.

Although Plaintiff 24 does not specifically identify the lawsuit in which the alleged misconduct
occurred, the Court 25 takes judicial notice that Plaintiff repeatedly removed to this Court an

unlawful detainer action 26 brought against her in Alameda County Superior Court by Tina Chiang. See 23-cv-6235-JD, 27 Chiang v. Afifi (removing Alameda County Superior Court case no. 23CV42037); 24-cv-1342-JD, 1 Afifi (same).

1 In those cases, Chiang was represented by McLaughlin Sanchez LLP, with 2 attorney Darryl Yorkey, of that firm, listed as counsel of record. 3 Plaintiff alleges that Yorkey “engaged in a campaign of procedural manipulation-filing 4 defective documents, making false representations, and interfering with Plaintiff's access to 5 justice” and that the remaining defendants, “[d]espite being repeatedly c/c'd on communications 6 documenting this misconduct,... failed to respond, failed to intervene, and continued to allow the 7 misconduct to persist.” Compl. at 2.

She asserts the following claims: 1) negligent supervision; 8 2) enabling harassment and procedural abuse; 3) violations of professional conduct 9 rules (California Rule 8.4); 4) sanctionable conduct under FRCP 11 and CCP § 128.7; 5) 10 intentional infliction of emotional distress; and 6) abuse of process.

In her complaint, Plaintiff 11 does not specify the basis for asserting federal jurisdiction. 12 III. ANALYSIS 13 A. Legal Standards Under 28 U.S.C. § 1915 14 Where a plaintiff is found to be indigent under 28 U.S.C. § 1915(a)(1) and is granted leave 15 to proceed in forma pauperis, courts must engage in screening and dismiss any claims which: 16 (1) are frivolous or malicious; (2) fail to state a claim on which relief may be granted; or (3) seek 17 monetary relief from a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2)(B); see 18 Marks v. Solcum, 98 F.3d 494, 495 (9th Cir. 1996). In addition, the Court must dismiss a 19 complaint where no basis for federal jurisdiction is apparent from the allegations. Cato v. United 20 States, 70 F.3d 1103, 1106 (9th Cir. 1995). “The Court need not dwell on the sufficiency of the 21 Complaint [where it] lacks subject-matter jurisdiction over the [p]arties’ dispute[.]” RM White 22 LLC v. Ramirez, No. 24-CV-00485-SVK, 2024 WL 1051000, at *2 (N.D.

Cal. Feb. 14, 2024), 23 report and recommendation adopted, No. 24-CV-00485-PCP, 2024 WL 6841817 (N.D. Cal. Apr. 24 8, 2024). 25 26 1 Plaintiff also removed a similar unlawful detainer action filed by Chiang in Alameda County Superior Court, case no. 25CV109250 in 25-cv-2074-CRB, Chiang v. Afifi.

In addition, Plaintiff 27 has filed several other actions in this Court that appear to involve the same rental dispute. See 25- 1 Where the complaint has been filed by a pro se plaintiff, courts must “construe the 2 pleadings liberally... to afford the petitioner the benefit of any doubt.” Hebbe v. Pliler, 627 F.3d 3 338, 342 (9th Cir. 2010). “A pro se litigant must be given leave to amend his or her complaint 4 unless it is absolutely clear that the deficiencies in the complaint could not be cured by 5 amendment.” Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir.

1987), superseded on other grounds 6 by statute, as recognized in *Lopez v. Smith*, 203 F.3d 1122 (9th Cir. 2000) (en banc). Further, 7 when it dismisses the complaint of a pro se litigant with leave to amend, “the district court must 8 provide the litigant with notice of the deficiencies in his complaint in order to ensure that the 9 litigant uses the opportunity to amend effectively.” *Id.* (quoting *Ferdik v. Bonzelet*, 963 F.2d 10 1258, 1261 (9th Cir.

1992)). “Without the benefit of a statement of deficiencies, the pro se litigant 11 will likely repeat previous errors.” *Karim-Panahi v. L.A. Police Dep’t*, 839 F.2d 621, 624 (9th 12 Cir. 1988) (quoting *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987)). 13 B. Discussion 14 Federal courts have limited subject matter jurisdiction and may only hear cases falling 15 within their jurisdiction.

The two most common forms of federal subject matter jurisdiction are 16 federal question jurisdiction under 28 U.S.C. § 1331 and diversity jurisdiction under 28 U.S.C. § 17 1332. Diversity jurisdiction exists where all plaintiffs are citizens of different states from all 18 defendants and at least \$75,000 is in controversy. 19 Here, Plaintiff has not asserted any federal claims in her complaint.

Nor has she alleged 20 facts suggesting that there is diversity jurisdiction in this case. The Court notes that the docket in 21 Case 23-cv-6235 JD lists Darryl Yorkey’s address as being in Berkeley, California while the 22 docket in Case 24-cv-1665 AMO lists a San Francisco address for Yorkey – the same address that 23 is reflected on the removed state court pleadings for McLaughlin Sanchez LLP. Thus, it does not 24 appear that there is diversity of citizenship as required under Section 1332.

It also is not apparent 25 that Plaintiff can allege at least \$75,000 is in controversy given that the alleged misconduct 26 occurred in an unlawful detainer action in which the plaintiff specified that less than \$25,000 was 27 in controversy.

Therefore, Plaintiff has failed to establish that there is federal jurisdiction over this 1 IV. CONCLUSION 2 For the reasons discussed above, Plaintiff is ORDERED TO SHOW CAUSE why this case 3 should not be dismissed for lack of federal jurisdiction. Plaintiff may respond by filing either an 4 amended complaint that addresses the deficiencies discussed above or a response that addresses 5 || why her current complaint is sufficient.

Plaintiff’s response shall be filed by October 21, 2025. 6 || If Plaintiff does not file a response by that date, the case will be reassigned to a United States 7 district judge with a recommendation that it be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). 8 Any amended complaint must include the caption and civil case number used in this order 9 (19-cv-06894) and the words FIRST AMENDED COMPLAINT on the first page.

Because an 10 amended complaint completely replaces the previous complaint, any amended complaint may not 11 incorporate claims or allegations of Plaintiff's original complaint by reference, but instead must 12 || include all of the facts and claims Plaintiff wishes to present and all of the defendants he wishes to 13 sue. IT IS SO ORDERED. 3 15 Dated: October 7, 2025 16 J PH C. SPERO 2 18 nited States Magistrate Judge 19 20 21 22 23 24 25 26 27 28