

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Karen L. Griffin v. Denise Mathre Chiropractic Corporation, et al.

Griffin · No. 2:25-cv-02675-DC-CSK · Decided January 5, 2026

SUMMARY

The court recommends denying Defendant Denise P. Mathre’s application to proceed in forma pauperis and remanding the action to Amador County Superior Court. The recommendations conclude that the complaint asserts only state-law employment claims, lacks federal-question jurisdiction, and does not establish complete diversity; Plaintiff’s motion to strike or remand is recommended to be denied as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 5, 2026
DOCKET	2:25-cv-02675-DC-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Defendant removed Plaintiff’s California employment-law action from Amador County Superior Court and sought leave to proceed in forma pauperis. The magistrate judge issued findings and recommendations recommending denial of the in forma pauperis application and remand for lack of subject matter jurisdiction.
STANDARD OF REVIEW	Subject matter jurisdiction must be considered sua sponte and is reviewed before the merits; a removed action must be remanded if the federal district court lacks subject matter jurisdiction. An IFP application may be denied at the outset when the proposed action is frivolous or without merit, and an IFP proceeding must be screened under 28 U.S.C. § 1915(e).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

subject matter jurisdiction

civil procedure

retaliation

wrongful termination

wage and hour

PRACTICE AREAS

civil procedure

employment law

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the federal court had subject matter jurisdiction over the removed complaint based on a federal question.
2. Whether complete diversity jurisdiction existed under 28 U.S.C. § 1332.
3. Whether Defendant's incomplete application to proceed in forma pauperis should be denied.
4. Whether Plaintiff's motion to strike or alternatively remand should be denied as moot after recommending remand.

HOLDINGS

1. The complaint did not establish federal-question jurisdiction because it asserted only state-law claims and did not present a federal cause of action on its face.
2. Complete diversity jurisdiction was absent because Plaintiff and all identified Defendants were California residents.
3. The action should be remanded to Amador County Superior Court because the federal court lacked subject matter jurisdiction.
4. Defendant's IFP application should be denied because it was incomplete and the proposed federal proceeding lacked a jurisdictional basis.

KEY QUOTATIONS

"Federal courts are courts of limited jurisdiction and may hear only those cases authorized by federal law."
(at 3)

"Subject-matter jurisdiction can never be waived or forfeited," (at 3)

FACTUAL BACKGROUND

Plaintiff Karen L. Griffin's complaint asserted ten California employment-related claims, including retaliation, wrongful termination, meal- and rest-period violations, wage-statement violations, unpaid wages, and unlawful business practices. Plaintiff alleged that she and all defendants were California residents. Defendant Denise P. Mathre removed the case on the asserted basis of federal-question jurisdiction, although the complaint pleaded no federal cause of action. Mathre's IFP application was incomplete because it failed to provide requested information concerning other income and assets.

PROCEDURAL HISTORY

Plaintiff filed a complaint in Amador County Superior Court asserting ten California statutory and common-law employment-related claims. Defendant Denise P. Mathre removed the action to the Eastern District of California on September 17, 2025 and moved to proceed in forma pauperis. Plaintiff later moved to strike the removal or, alternatively, to remand. The magistrate judge recommended denying Defendant's IFP application, remanding

the action, denying Plaintiff's motion as moot, and closing the federal case, subject to objections and review by the assigned district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

The assigned district judge should remand the action to Amador County Superior Court for lack of subject matter jurisdiction. Plaintiff's motion to strike or alternatively remand should be denied as moot, and the Clerk should close the federal case, subject to the parties' right to file objections within 14 days.

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Minetti v. Port of Seattle, 152 F.3d 1113, 1115 (9th Cir. 1998)
- Tripati v. First Nat. Bank & Tr., 821 F.2d 1368, 1370 (9th Cir. 1987)
- McGee v. Dep't of Child Support Servs., 584 Fed. App'x. 638 (9th Cir. 2014)
- Smart v. Heinze, 347 F.2d 114, 116 (9th Cir. 1965)
- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- Neitzke v. Williams, 490 U.S. 319, 325-27 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- Kelton Arms Condo. Owners Ass'n, Inc. v. Homestead Ins. Co., 346 F.3d 1190, 1192 (9th Cir. 2003)
- Kenny v. Wal-Mart Stores, Inc., 881 F.3d 786, 790 (9th Cir. 2018)
- Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994)
- Casey v. Lewis, 4 F.3d 1516, 1519 (9th Cir. 1993)
- Bender v. Williamsport Area Sch. Dist., 475 U.S. 534, 546 (1986)
- Morongo Band of Mission Indians v. Cal. State Bd. of Equalization, 858 F.2d 1376, 1380 (9th Cir. 1988)
- Gonzalez v. Thaler, 565 U.S. 134, 141 (2012)
- Vaden v. Discover Bank, 556 U.S. 49, 59-62 (2009)
- Ho v. Russi, 45 F.4th 1083, 1086 (9th Cir. 2022)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 KAREN L. GRIFFIN, Case No. 2:25-cv-02675-DC-CSK 12 Plaintiff, 13 v.
FINDINGS AND RECOMMENDATIONS TO REMAND TO STATE COURT 14 DENISE
MATHRE CHIROPRACTIC CORPORATION, et al., 15 Defendants. (ECF Nos. 1, 2, 4) 16 17 18

Defendant Denise P. Mathre is representing herself in this action and seeks leave to proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915.1 (ECF No. 2.)

For the reasons that follow, the Court recommends Defendant’s IFP application be denied, this action be remanded back to state court, and Plaintiff Karen L. Griffin’s motion to strike, or in the alternative, motion to remand be denied as moot. I. MOTION TO PROCEED IN FORMA PAUPERIS 28 U.S.C. § 1915(a) provides that the court may authorize the commencement, prosecution or defense of any suit without prepayment of fees or security “by a person who submits an affidavit stating the person is “unable to pay such fees or give security 1 This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636, Fed.

R. 28 Civ. P. 72, and Local Rule 302(a). See 12/08/2025 Order (ECF No. 7). 1 therefor.” This affidavit is to include, among other things, a statement of all assets the person possesses. Id. The IFP statute does not itself define what constitutes insufficient assets. See *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015).

In *Escobedo*, the Ninth Circuit stated that an affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay court costs and still afford the necessities of life. Id. “One need not be absolutely destitute to obtain benefits of the in forma pauperis statute.” Id. Nonetheless, a party seeking IFP status must allege poverty “with some particularity, definiteness and certainty.” Id. According to the United States Department of Health and Human Services, the current poverty guideline for a household of one (not residing in Alaska or Hawaii) is \$15,060.00.

See U.S. Dept. Health & Human Service (available at <https://aspe.hhs.gov/poverty-guidelines>). Here, Defendant’s IFP application is incomplete. See ECF No. 2. Defendant has failed to answer questions related to Defendant’s “other income” and assets. Id. at 1 ¶3, 14 2 ¶ 5.

Accordingly, Defendant has not made the required showing under 28 U.S.C. § 1915(a). Further, the Court will recommend Defendant’s IFP application be denied because there is no basis for federal jurisdiction. “A district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.” *Minetti v. Port of Seattle*, 152 F.3d 1113, 1115 (9th Cir.

1998) (quoting *Tripathi v. First Nat. Bank & Tr.*, 821 F.2d 1368, 1370 (9th Cir. 1987)); see also *McGee v. Dep’t of Child Support Servs.*, 584 Fed. App’x. 638 (9th Cir. 2014) (“the district court did not abuse its discretion by denying McGee’s request to proceed IFP because it appears from the face of the amended complaint that McGee’s action is frivolous or without merit”); *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir.

1965) (“It is the duty of the District Court to examine any application for leave to proceed in forma pauperis to determine whether the proposed proceeding has merit and if it appears that

the proceeding is without merit, the court is bound to deny a motion 27 seeking leave to proceed in forma pauperis.”).

Because it appears from the face of 28 Plaintiff’s Complaint and Defendant’s notice of removal that there is no basis for federal 1 jurisdiction as discussed in more detail below, the Court recommends Defendant’s IFP 2 motion be denied. 3 II. SCREENING REQUIREMENT 4 Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis 5 proceeding, and must order dismissal of the case if it is “frivolous or malicious,” “fails to 6 state a claim on which relief may be granted,” or “seeks monetary relief against a 7 defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 8 203 F.3d 1122, 1126-27 (2000) (en banc).

A claim is legally frivolous when it lacks an 9 arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In 10 reviewing a complaint under this standard, the court accepts as true the factual 11 allegations contained in the complaint, unless they are clearly baseless or fanciful, and 12 construes those allegations in the light most favorable to the plaintiff.

See *id.* at 326-27; 13 *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 14 2010), cert. denied, 564 U.S. 1037 (2011). 15 III. REMOVAL AND REMAND 16 28 U.S.C. § 1441(a) states “... any civil action brought in a State court of which 17 the district courts of the United States have original jurisdiction, may be removed by the 18 defendant or the defendants, to the district court of the United States....” If at any time 19 before final judgment it appears that the district court lacks subject matter jurisdiction, 20 the case shall be remanded.

28 U.S.C. § 1447(c); see also *Kelton Arms Condo. Owners 21 Ass’n, Inc. v. Homestead Ins. Co.*, 346 F.3d 1190, 1192 (9th Cir. 2003) (“Subject matter 22 jurisdiction may not be waived, and, indeed, we have held that the district court must 23 remand if it lacks jurisdiction.”); *Kenny v. Wal-Mart Stores, Inc.*, 881 F.3d 786, 790 (9th 24 Cir. 2018) (“[S]ubject matter jurisdiction is the touchstone for a district court’s authority to 25 remand sua sponte.”).

26 IV. DISCUSSION 27 This case was removed to federal court on September 17, 2025 by Defendant, 28 who proceeds without counsel. Removal (ECF No. 1). Plaintiff’s Complaint (ECF No. 1 at 1 7-14) indicates the Court does not have subject matter jurisdiction, requiring remand. 2 See 28 U.S.C. § 1447(c). 3 A. Lack of Subject Matter Jurisdiction 4 Federal courts are courts of limited jurisdiction and may hear only those cases 5 authorized by federal law.

Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994). 6 Jurisdiction is a threshold inquiry, and “[f]ederal courts are presumed to lack jurisdiction, 7 ‘unless the contrary appears affirmatively from the record.’” *Casey v. Lewis*, 4 F.3d 1516, 8 1519 (9th Cir. 1993) (quoting *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 546 9 (1986)); see *Morongo Band of Mission Indians v. Cal. State Bd. of Equalization*, 858 10 F.2d 1376, 1380 (9th Cir.

1988). Without jurisdiction, the district court cannot decide the merits of a case or order any relief and must dismiss the case. See *Morongo*, 858 F.2d 12 at 1380. A federal court's jurisdiction may be established in one of two ways: actions arising under federal law or those between citizens of different states in which the alleged damages exceed \$75,000.

28 U.S.C. §§ 1331, 1332. "Subject-matter jurisdiction can never be waived or forfeited," and "courts are obligated to consider sua sponte" subject matter jurisdiction even when not raised by the parties. *Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012). First, the Complaint does not establish the Court's subject matter jurisdiction. See Compl. (ECF No. 1 at 7-14).

Plaintiff raises the following ten (10) state law claims: (1) retaliation pursuant to Cal. Labor Code § 230; (2) retaliation pursuant to Cal. Labor Code § 6310; (3) retaliation pursuant to Cal. Labor Code § 6311; (4) retaliation pursuant to Cal. Labor Code § 1102.5; (5) wrongful termination pursuant to Cal. Labor Code §§ 230, 631, 6310, 1102.5; (6) failure to provide rest breaks pursuant to Cal. Labor Code § 226.7; (7) failure to provide meal periods pursuant to Cal. Labor Code §§ 226.7, 512; (8) failure to provide accurate wage statements pursuant to Cal. Labor Code § 226(a); (9) failure to pay all wages due upon separation pursuant to Cal. Labor Code § 201; and (10) unlawful business practices pursuant to Cal. Bus. & Prof.

Code §§ 17200, et seq. Compl. ¶¶ 11-30. In Defendant's notice of removal, Defendant asserts the basis for removal is federal question. Removal at 1 ("Plaintiff alleges claims arising under federal law, including [insert applicable federal statutes, e.g., Title VII, ADA, FMLA], which confer original jurisdiction upon the federal court.).

However, it is clear from review of the Complaint, there is no federal question asserted in the Complaint. See *Vaden v. Discover Bank*, 556 U.S. 49, 59-62 (2009) ("Under the longstanding well-pleaded complaint rule,... a suit 'arises under' federal law only when the plaintiff's statement of his own cause of action shows that it is based upon federal law.").

Second, complete diversity of the parties is lacking here. See 28 U.S.C. § 1332. According to the allegations in the Complaint, Plaintiff is a resident of California. Compl. ¶ 1. Defendants Denise Mathre and Denise Mathre Chiropractic Corporation DBA Achieving Balance Chiropractic are all residents of California. *Id.* ¶¶ 2-3.

Thus, this case must be remanded back to the Amador County Superior Court for lack of subject matter jurisdiction. See *Ho v. Russi*, 45 F.4th 1083, 1086 (9th Cir. 2022) (noting the district court may issue orders "without notice where lack of jurisdiction appears on the face of the complaint and is obviously not curable"). B. Plaintiff's Motion to Strike On October 17, 2025, Plaintiff filed a motion to strike, or in the alternative, motion to remand, which was referred to the undersigned by the assigned district judge.

See 19 ECF No. 4; 12/08/2025 Order. Because the Court recommends this action be remanded 20 to state court for lack of jurisdiction, the Court recommends Plaintiff's motion be denied 21 as moot. 22 V. CONCLUSION 23 Based upon the findings above, it is RECOMMENDED that: 24 1. Defendant's motion to proceed in forma pauperis (ECF No. 2) be DENIED; 25 2. This action be REMANDED to Amador County Superior Court; 26 3.

Plaintiff's Motion to Strike (ECF No. 4) be DENIED as moot; and 27 4. The Clerk of the Court be directed to CLOSE this case. 28 These findings and recommendations are submitted to the United States District 1 || Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 2 | 14 days after being served with these findings and recommendations, any party may file 3 || written objections with the Court and serve a copy on all parties.

This document should 4 | be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any 5 || reply to the objections shall be served on all parties and filed with the Court within 14 6 | days after service of the objections. Failure to file objections within the specified time 7 || may waive the right to appeal the District Court's order.

Turner v. Duncan, 158 F.3d 449, 8 || 455 (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991). 9 10 | Dated: January 5, 2026 C iy S \U 11 CHI SOO KIM 42 UNITED STATES MAGISTRATE JUDGE 13 || 4, grit2675.25 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28