

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	2:26-cv-09994-ODW (MARx)	Date	October 5, 2026
Title	<i>Paulette Carr v. WK Kellogg Co.</i>		

Present: The Honorable		Otis D. Wright II, United States District Judge	
Sheila English		Not reported	
Deputy Clerk		N/A	
Attorneys Present for Plaintiffs:		Court Reporter / Recorder	
Not present		Tape No.	
Attorneys Present for Defendants:		Not present	

Proceedings (In Chambers):

Federal courts have subject matter jurisdiction only as authorized by the Constitution and Congress. U.S. Const. art. III, § 2, cl. 1; *see also Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Federal district courts have original jurisdiction where an action arises under federal law, or where each plaintiff’s citizenship is diverse from each defendant’s citizenship and the amount in controversy exceeds \$75,000. 28 U.S.C. §§ 1331, 1332(a). Additionally, federal courts have jurisdiction under the Class Action Fairness Act (“CAFA”) where there are more than 100 class members, at least one class member is a citizen of a state different from the defendant, and the amount in controversy exceeds \$5,000,000. 28 U.S.C. § 1332(d).

Here, Plaintiff asserts subject matter jurisdiction under CAFA pursuant to 28 U.S.C. § 1332(d). (Compl. ¶¶ 6, 10, 12, Dkt. No. 1.) However, Plaintiff’s jurisdictional allegations are vague and conclusory, and fail to establish the requirements for CAFA subject matter jurisdiction in this matter. For instance, although Plaintiff alleges the cereal at issue costs approximately \$7.75 per box, (*id.* ¶ 10), she alleges only that there are “more than 100 members in the proposed class,” (*id.* ¶ 6). Even accepting these conclusory allegations, more factual support, this results in only \$782.75 in controversy (101 x \$7.75 = \$782.75). This falls far short of the \$5 million amount in controversy, and Plaintiff does not articulate how the required threshold is plausibly satisfied.

Accordingly, the Court **DISMISSES** Plaintiff's Complaint, with leave to amend the jurisdictional allegations **within seven (7) days of the date of this order**. Failure to file a timely amended complaint that includes adequate jurisdictional allegations will be deemed a concession by Plaintiff that federal subject matter jurisdiction is lacking, and the Court will close this case.

IT IS SO ORDERED.

_____: ____ 00
Initials of Preparer SE