

1 (1987). However, the exhibits attached to the removal petition establish the state court action
2 alleges claims only under state law. Defendant has failed to meet his burden of establishing
3 federal jurisdiction and the matter should therefore be remanded. See generally Singer v. State
4 Farm Mutual Automobile Insurance Co., 116 F.3d 373, 375-376 (9th Cir. 1997).¹

5 Accordingly, IT IS HEREBY ORDERED that this action is stayed pending resolution by
6 the District Court of the herein findings and recommendations; and

7 IT IS HEREBY RECOMMENDED that the above-entitled action be summarily remanded
8 to the Superior Court of California, County of San Joaquin.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
11 after being served with these findings and recommendations, any party may file written
12 objections with the court and serve a copy on all parties. Such a document should be captioned
13 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
14 shall be served and filed within seven days after service of the objections. The parties are advised
15 that failure to file objections within the specified time may waive the right to appeal the District
16 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

17 Dated: April 22, 2016

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20 CAROLYN K. DELANEY
21 UNITED STATES MAGISTRATE JUDGE

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28 ¹ In addition, the notice of removal is defective in that all defendants who have been served have not joined in the petition for removal. See 28 U.S.C. § 1446(b)(2)(A).