

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 31 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ROY M. BARTLETT,

No. 18-15353

Plaintiff-Appellee,

D.C. No. 4:17-cv-06991-HSG

v.

MEMORANDUM*

MARCI PATERA,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of California
Haywood S. Gilliam, Jr., District Judge, Presiding

Submitted October 22, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges.

Defendant-appellant Marci Patera appeals pro se from the district court's order sua sponte remanding plaintiff's action to California state court. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a decision to remand a removed case. *Patel v. Del Taco, Inc.*, 446 F.3d 996, 998 (9th Cir. 2006). We

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

affirm.

The district court properly remanded the action to state court because Patera failed to establish that the state court could not enforce her rights. Contrary to Patera's contentions, Patera has not identified a California statute or constitutional provision that purports to command the state court to ignore her federal civil rights. *See id.* at 998-99 (two-part test for removal under 28 U.S.C. § 1443(1)).

All pending motions are denied.

AFFIRMED.