

1 **WO**

2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 Stardom Real Estate, LLC on behalf of
Stardom Properties, LLC,,

10 Plaintiff,

11 v.

12 Neil Johnston,

13 Defendant.

No. CV-13-01650-PHX-DGC

ORDER

14
15 Following the Court's order remanding this action to state court (Doc. 9), Plaintiff
16 Stardom Real Estate, LLC moved for sanctions pursuant to Rule 11 and Arizona law.
17 Plaintiff also seeks an injunction prohibiting Defendant from filing further notices of
18 removal without leave of the Court. Doc. 11.

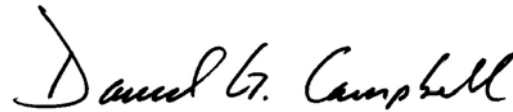
19 Although this case has been remanded to state court, the Court retains jurisdiction
20 over "collateral matter[s] . . . even after being divested of jurisdiction on the merits."
21 *Moore v. Permanente Med. Grp., Inc.*, 981 F.2d 443, 445 (9th Cir. 1992) (finding a
22 district court retained jurisdiction after remand to entertain a motion for costs and fees
23 pursuant to 28 U.S.C. § 1447(c)). The Court nonetheless declines to award sanctions
24 against Defendant, a pro se litigant who is not necessarily familiar with proper court
25 procedures. Plaintiff intends to seek monetary sanctions against Defendant in state court
26 for his allegedly frivolous filings (Doc. 11 at 1 n.1), and the Court concludes that
27 sanctions are better addressed in the Court that has primary jurisdiction over this matter.

28 Plaintiff also requests a pre-filing injunction requiring Defendant to seek leave of
court before filing any additional notices of removal. Such injunctions against pro se

1 litigants are to be entered only upon “substantive findings as to the frivolous or harassing
2 nature of the litigant’s actions.” *De Long v. Hennessey*, 912 F.2d 1144, 1148 (9th Cir.
3 1990) (citation omitted). Because courts should remain open to all who seek to invoke
4 their jurisdiction, such injunctions generally are entered only after a long history of
5 abusive litigation practices. Two improvident notices of removal do not rise to that level.
6 The Court will deny the request for a pre-filing injunction.

7 **IT IS ORDERED** that Plaintiff’s motion (Doc. 11) is **denied**.

8 Dated this 6th day of September, 2013.

9
10
11 

12 _____
13 David G. Campbell
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28