

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

JS 6

Case No. CV 09-2241 DSF Date 7/17/09

Title John Briggs McAndrews, et al. v. Mammoth Mountain Ski Area, et al.

Present: The Honorable DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order REMANDING Action to the Superior Court of California, County of Los Angeles

On March 31, 2009, the United States Forest Service (the “Federal Defendant”), removed this action from the Superior Court of California, County of Los Angeles to this Court pursuant to 28 U.S.C. § 1442, which provides:

A civil action or criminal prosecution commenced in a State court against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue

On May 11, 2009, this Court granted the Federal Defendant’s Motion to Dismiss. Neither the United States nor any agent or officer of the United States is now a defendant in this action. The Court has discretion to retain or remand the complaint, which consists of a single state law claim. 28 U.S.C. §1367(c); Murphy v. Kodz, 351 F.2d 163, 168 (9th Cir. 1965).

No other activity has occurred in this Court. It does not appear that any other Defendant has ever been served. It appears more appropriate for the matter to proceed in

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state court.

Therefore, this action is REMANDED to the Superior Court of California, County of Los Angeles.

IT IS SO ORDERED.