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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOHN HO,	)	Case No. CV 13-00118 DDP (CWx)
	)	
Plaintiff,	)	
	)	
v.	)	ORDER TO SHOW CAUSE WHY THIS
	)	ACTION SHOULD NOT BE REMANDED FOR
THE KITCHEN FOR EXPLORING	)	UNTIMELY REMOVAL
FOODS, LLC, a California	)	
Corporation,	)	
	)	
Defendants.	)	
	)	

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Removing Defendant The Kitchen For Exploring Foods, LLC is ordered to show cause why this action should not be remanded to state court for untimely removal. Plaintiff filed a discrimination complaint on June 15, 2012. On January 7, 2013, Defendant removed to this court on the basis of federal question jurisdiction. (Notice of Removal 2.)

Under 28 U.S.C § 1441(b), a defendant may remove to federal court “[a]ny civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States . . . .” Notice of removal “of a civil action or proceeding shall be filed

1 within thirty days after receipt by the defendant, through service  
2 or otherwise, of a copy of an amended pleading . . . ." 28 U.S.C §  
3 1446(b).

4 Here, it appears Plaintiff's summons and complaint was filed  
5 on June 15, 2012, and Defendant removed on January 7, 2012.  
6 (Notice of Removal 1; Exh. 1.) Defendant fails to provide proof of  
7 service of process. Defendant alleges the parties "have stipulated  
8 that service of process has been effectuated on Defendant as of  
9 December 7, 2012." (Id.) However, is it not clear to the court  
10 that parties may stipulate to a jurisdictional requirement.  
11 Moreover, Defendant fails to provide evidence of the stipulation.

12 The court notes that the Defendant has the burden of  
13 establishing removal jurisdiction. Accordingly, the court orders  
14 Defendant to file a brief, not to exceed ten pages, by Thursday,  
15 March 14, 2013, showing cause why this action should not be  
16 remanded for untimely removal.

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19 IT IS SO ORDERED.

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22 Dated: March 1, 2013

  
DEAN D. PREGERSON  
United States District Judge

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