

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

JS 6

Case No. CV 13-2880 DSF (Ex)

Date 5/1/13

Title CW3PR, Inc. v. Nikki Beach Holdings, LLC, 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 Case to State Court

This case was previously remanded to state court because the removing defendant failed to establish that the parties were completely diverse. The matter has been removed again on the same grounds as before. There have been no intervening changes of fact or law that would make a second removal proper. See Peabody v. Maud Van Cortland Hill Schroll Trust, 892 F.2d 772, 776-77 (9th Cir. 1989). Defendant merely better documents the jurisdictional allegations based on facts that would have been known to it at the time of the first removal. The second notice of removal is, in essence, a motion for reconsideration of the Court's prior remand. The Court has no jurisdiction to consider such a motion. Seedman v. U.S. Dist. Ct., 837 F.2d 413 (9th Cir. 1988).

The case is REMANDED to the Superior Court of California, County of Los Angeles.

IT IS SO ORDERED.