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8 **United States District Court**  
9 **Central District of California**  
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11 NANCY SHY,

12 Plaintiff,

13 v.

14 LA CASA MENTAL HEALTH  
15 REHABILITATION CENTER;  
16 TELECARE CORPORATION; UNITED  
17 STATES OF AMERICA and DOES 1  
18 through 80, inclusive,  
19 Defendants.

Case No. 2:14-cv-02998-ODW(JCx)

**ORDER GRANTING  
DEFENDANT'S MOTION TO  
DISMISS [8]**

20 On April 18, 2014, Defendants removed this action to this Court. (ECF No. 1.)  
21 On April 25, 2014, Defendant United States of America filed a Motion to Dismiss  
22 under Federal Rule of Civil Procedure 12(b)(1). (ECF No. 8.) Defendant USA asserts  
23 that the Court lacks subject-matter jurisdiction over Shy's complaint because she  
24 failed to exhaust her administrative remedies under the Federal Tort Claims Act. (*Id.*)  
25 On May 15, 2014, Shy filed a non-opposition to Defendant United States of  
26 America's motion to dismiss. (ECF No. 17.) Accordingly, the Court hereby  
27 **GRANTS** Defendant United States of America's Motion to Dismiss Without  
28 Prejudice. (ECF No. 8.)

1 On May 2, 2014, Defendant La Casa Mental Health Rehabilitation Center  
2 (“LCMHRC”) also filed a Motion to Dismiss Shy’s Complaint. (ECF No. 10.) Shy  
3 requests that the court remand her remaining state-law claims to the Superior Court, in  
4 light of her non-opposition to the dismissal of her federal claim. (ECF No. 17.)

5 A court may decline to exercise supplemental jurisdiction if, among others, “the  
6 district court has dismissed all claims over which it has original jurisdiction.”  
7 § 1367(c)(3); *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 357 (1988). Ordinarily,  
8 if a plaintiff dismisses federal claims early in the litigation, a district court should  
9 remand the pendent state-law claims. *Id.* at 350. In deciding whether to continue  
10 exercising supplemental jurisdiction, the district court should weigh several factors,  
11 including “judicial economy, convenience, fairness, and comity.” *Id.* The court  
12 should also take into account whether the plaintiff has dismissed her federal claims in  
13 an attempt to manipulate the forum. *Id.* at 357.

14 The Court finds that the most appropriate course of action is to remand the  
15 remainder of this case back to state court. This Court is a court of limited jurisdiction  
16 and therefore must ensure that it acts only within its restricted purview. While this  
17 Court has discretion to continue to exercise supplemental jurisdiction over Shy’s  
18 pendent state-law claims, there is little reason to do so. There would be no waste of  
19 judicial resources by sending this case back to state court, because the Court has not  
20 touched upon the merits of Shy’s action. While Defendant LCMHRC filed a now-  
21 moot motion to dismiss, the Court never had a chance to rule on it. The state court  
22 would therefore not have to duplicate any of this Court’s work.

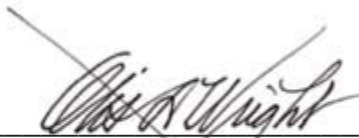
23 Additionally, the Court finds that Shy has not engaged in any manipulative  
24 tactics that would counsel against declining to exercise supplemental jurisdiction. As  
25 the plaintiff, Shy is the master of her complaint and may bring whichever claims  
26 against LCMHRC she desires consistent with Rule 11(b). She originally filed her  
27 action in state court, so she has not engaged in forum shopping by eliminating her  
28 federal claims simply to go back to where she started.

1           Considering the particular circumstances of this case, the Court declines to  
2 exercise supplemental jurisdiction over Rice’s remaining state-law claims. *See* 28  
3 U.S.C. § 1367(c)(3). Since Shy and Defendant LCMHRC appear to be both  
4 California citizens the Court finds that it also lacks diversity jurisdiction. *See*  
5 § 1332(a)(1); (Compl. ¶¶ 3, 5).

6           In sum, Defendant USA’s Motion to Dismiss Without Prejudice is **GRANTED**.  
7 (ECF No. 8.) The Court **DENIES AS MOOT** Defendant LCMHRC’s Motion to  
8 Dismiss, (ECF No. 10), and **REMANDS** this action to Los Angeles County Superior  
9 Court. *See Carnegie-Mellon*, 484 U.S. at 354–55. Nothing in this Order should be  
10 construed as prohibiting Defendants from challenging the sufficiency of the FAC in  
11 state court.

12           **IT IS SO ORDERED.**

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14           May 27, 2014



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16           **OTIS D. WRIGHT, II**  
17           **UNITED STATES DISTRICT JUDGE**  
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21           cc: order, docket, remand letter to  
22           Los Angeles Superior Court,  
23           South District, Long Beach, No. NC 058673  
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