

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. CV 15-609 DSF (AJWx)

Date 3/17/15

Title Jamil Salazar v. Best Buy Co, Inc., 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 DENYING Plaintiff's Motion to Remand (Docket No. 14)

Plaintiff Jamil Salazar moves to remand this action and seeks fees under 28 U.S.C. § 1447(c). The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. The hearing set for March 30, 2015 is removed from the Court's calendar.

Salazar argues that this action was improperly removed because certain Doe Defendants will ultimately be identified as California citizens, thereby destroying diversity. Salazar is wrong. The removal statute expressly commands that "the citizenship of defendants sued under fictitious names shall be disregarded." 28 U.S.C. § 1441(a); see also *Newcombe v. Adolf Coors Co.*, 157 F.3d 686, 690 (9th Cir. 1998). The possible California citizenship of Salazar's Doe Defendants does not render Defendant's removal improper.

The Court DENIES Salazar's motion to remand. His request for fees is also denied. Indeed, it would be more appropriate for the Court to sanction Salazar's counsel for failing to cite controlling Ninth Circuit precedent.

The Court also notes that the caption on Plaintiff's briefs has erroneously been changed to reflect Defendant's true name. The Court has not ordered that the caption be changed.

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IT IS SO ORDERED.