

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: CV 17-00443-AB (JPRx)

Date: January 25, 2017

Title: *Donna Fonseca v. Target Corp.*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Carla Badirian
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Appearing

None Appearing

Proceedings: [In Chambers] Order To Show Cause Why Case Should Not Be Remanded

On January 19, 2017, Defendant Target Corporation filed a Notice of Removal under 28 U.S.C. §§ 1332 and 1441(b). (Dkt. No. 1.) Plaintiff's Complaint was originally filed in Los Angeles Superior Court on July 8, 2016, No. BC 626490. (Dkt. 1 ¶ 1, Ex. 1.) Defendants filed an Answer on August 10, 2016. (Dkt. 1 ¶ 2, Ex. 2.)

Absent an exception, a notice of removal must be filed within 30 days of the defendant's receipt of the complaint, or within 30 days of receipt of the service of summons, whichever is shorter. 28 U.S.C. § 1446. Defendant here filed its Notice of Removal nearly five months after filing an Answer in Superior Court, yet the Notice of Removal states, "The time within which defendant is required to file a Notice of Removal has not yet expired." (Dkt. 1 ¶ 10.) Defendant provides no explanation in support of this conclusion, and it is not immediately apparent that the Notice of Removal was, in fact, timely filed.

Accordingly, the Court hereby **ORDERS** Defendant to show cause why this case should not be remanded for untimeliness. Any response shall be filed Friday, February 3, 2017, at 5:00 p.m. Failure to respond will result in remand.

IT IS SO ORDERED.