

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CHARLIE A. POWELL, II,
Plaintiff,

v.

ETHAN HEALY, et al.,
Defendants.

CV 20-10171 DSF (AFMx)

Order REMANDING Case to
Chancery Court for Shelby
County, Tennessee at Memphis


This case was improperly removed from the Chancery Court for Shelby County, Tennessee to this Court. 28 U.S.C. § 1441(a). Plaintiff has objected to this removal and remand is appropriate. In addition, contrary to the notice of removal, it appears on the face of the complaint that there is no diversity jurisdiction. Plaintiff is directly alleged to be a member of the Defendant LLC, Compl. ¶¶ 1, 14, and, therefore, there is both a Tennessee plaintiff and a Tennessee defendant in the case. See Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (limited liability company is a citizen of the states of which each of its members is a citizen).

The case is REMANDED to the Chancery Court for Shelby County, Tennessee at Memphis.

The Court retains jurisdiction over Plaintiff's request for sanctions. Defendants' opposition to the sanctions request is due November 30, 2020. Plaintiff's reply is due December 7, 2020. As of that date, the matter will be under submission with written order to follow.

IT IS SO ORDERED.

Date: November 19, 2020

A handwritten signature in blue ink that reads "Dale S. Fischer". The signature is written in a cursive style and is positioned above a horizontal line.

Dale S. Fischer
United States District Judge