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 UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. 5:17-cv-01661-JLS-SS

Date: September 12, 2017

Title: Elizabeth McVicker et al v. County of Riverside Board of Supervisors

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**
Terry Guerrero  
 Deputy Clerk

N/A  
 Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:      ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER REMANDING ACTION FOR  
 LACK OF SUBJECT MATTER JURISDICTION TO  
 RIVERSIDE SUPERIOR COURT**

Before the Court are the parties' responses to the Court's OSC on subject matter jurisdiction. (Response, Doc. 12; Response, Doc. 13.) In its Response, the County of Riverside, which removed this suit, "respectfully requests that its Notice of Removal be withdrawn and that this matter be remanded to the Riverside County Superior Court." (Riverside OSC Response at 2, Doc. 12.) Plaintiffs Elizabeth and Timothy McVicker oppose a remand, but their OSC does not adequately explain how this Court has federal question jurisdiction. (Plaintiffs' OSC Response at 2–3.) Plaintiffs do not contend that they bring suit under a cause of action created by federal law. They also acknowledge that "[t]his is not one of the 'special and small category' of cases that 'arise under' federal law even though the action might plead only state law causes of action.'" (*Id.* at 3.) Although Plaintiffs claim in the next sentence of their Response that a federal constitutional question is "necessarily raised," they do not explain how this could be true when Plaintiffs allege both state and federal constitutional sources for their due process and equal protection rights. (*Id.* at 4.)

Accordingly, because there are no federal causes of action and this suit does not belong to the narrow category of cases that "arise under" federal law even though there

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are only state law causes of action, the Court hereby REMANDS this entire action to the Superior Court of California, County of Riverside, Case No. MCC1700848.

Initials of Preparer: tg