

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 08-01179 AG (PJWx)	Date	November 3, 2008
Title	JOEL JOHNSON v. HOME DEPOT, et al.		

Present: The Honorable	ANDREW J. GUILFORD		
Lisa Bredahl	None Present		
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not Present	Not Present		

Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE THAT REMOVAL WAS TIMELY

Defendant Home Depot U.S.A., Inc. ("Defendant") filed a Notice of Removal in this case on October 22, 2008.

The procedure for removal is set forth in 28 U.S.C. § 1446, which provides:

The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial proceeding has then been filed in court and is not required to be served on the defendant, whichever period is shorter.

28 U.S.C. § 1446(b).

Here, Defendant has not established that it was served with the initial pleading in this case within thirty days before filing its Notice for Removal. Defendant is ORDERED TO SHOW CAUSE with papers filed by November 10, 2008, why this case should not be remanded. Such papers must show that Defendant was served with the initial pleading in this case no earlier than September 22, 2008. If Defendant fails to do so, this case will be remanded.

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Initials of
Preparer