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

ALEX ANGUIANO, an individual,
Plaintiff,
vs.
CITY OF SANTA ANA, SANTA ANA
POLICE DEPARTMENT, public
entities, OFFICER ERIC (Badge # 309)
in his official capacity and as an
individual, and DOES 1-40,
Defendants.

Case No.: SACV 15-01524 JLS (KESx)
**ORDER (1) DISMISSING CLAIMS
WITH PREJUDICE AND
(2) REMANDING THE ACTION**

IT IS HEREBY ORDERED, following the stipulation of counsel (Doc. 25),
that the following claims are hereby dismissed from this action with prejudice:

- a. Plaintiff's first claim for deprivation of rights under 42 U.S.C. § 1983;
- b. Plaintiff's second claim for false imprisonment and false arrest under 42 U.S.C. § 1983;
- c. Plaintiff's third claim for abuse of process under 42 U.S.C. § 1983;
- d. Plaintiff's fourth claim for battery by peace officer.

IT IS FURTHER ORDERED THAT the only claim that may be pursued by
Plaintiff Alex Anguiano is a claim for general negligence and he will not assert, or
seek leave to assert, any other claim, including but not limited to any claim under

1 42 U.S.C. § 1983 or California Civil Code sections 51, 51.7, 52, 52.1, 52.3 against
2 the City of Santa Ana or any of its police officers, employees or agents.

3 Finally, the Court notes that its jurisdiction over this matter is premised on
4 the existence of federal-law claims. (See SAC at 4, Doc. 18.) Under 28 U.S.C.
5 § 1367(c)(3), a district court may decline to exercise supplemental jurisdiction over
6 a claim if the district court has dismissed all claims over which it has original
7 jurisdiction. 28 U.S.C. § 1367(c). When federal-law claims are eliminated from
8 an action “at an early stage of the litigation, the District Court ha[s] a powerful
9 reason to choose not to continue to exercise jurisdiction” such that “when a district
10 court . . . relinquish[es] jurisdiction over a removed case involving pendent claims,
11 the court has discretion to remand the case to state court.” *Carnegie-Mellon Univ.*
12 *v. Cohill*, 484 U.S. 343, 351 (1988), *superseded by statute on other grounds as*
13 *stated in Fent v. Okla. Water Res. Bd.*, 235 F.3d 553, 557 (10th Cir. 2000); *Harrell*
14 *v. 20th Century Ins. Co.*, 934 F.2d 203, 205 (9th Cir. 1991) (“It is generally within
15 a district court’s discretion either to retain jurisdiction to adjudicate the pendent
16 state claims or to remand them to state court.”). Given that Plaintiff’s federal-law
17 claims have been dismissed with prejudice well before trial and only one state-law
18 claim remains, the Court finds that “the balance of factors to be considered under
19 the pendent jurisdiction doctrine—judicial economy, convenience, fairness, and
20 comity—[] point toward declining to exercise jurisdiction over the remaining state-
21 law claim[.]” See *Carnegie-Mellon*, 484 U.S. at 350 n.7. Accordingly, IT IS
22 FURTHER ORDERED THAT this case (case no. 30-2015-00805486-CU-CR-
23 CJC) be remanded to Orange County Superior Court.

24 IT IS SO ORDERED.

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27 DATED: January 14, 2016



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Honorable Josephine L. Staton
United States District Judge