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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 17-00015 AG (JCGx)	Date	January 18, 2017
Title	THIEN TRAN v. ANTHONY NGUYEN		

Present: The Honorable ANDREW J. GUILFORD

Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: [IN CHAMBERS] ORDER GRANTING MOTION TO
REMAND**

This matter is appropriate for resolution without oral argument. *See* Fed. R. Civ. P. 78(b). The Court VACATES the February 13, 2017 hearing.

Anthony Nguyen filed a notice of removal in this Court on January 5, 2017. The notice, though far from clear, purports to remove three actions from the Orange County Superior Court:

- A petition for a “civil harassment restraining order,” filed by Thien Tran against Nguyen in May 2014. (Notice of Removal, Dkt. No. 1, PageID 17–23.)
- A portion of a complaint for various state-law torts, filed by Nguyen against Tran in June 2014. (*Id.* at 26–27.)
- A petition for a “civil harassment restraining order” filed by Nguyen against Tran in May 2014. (*Id.* at 29–34.)

Tran moves to remand. (Mot. to Remand, Dkt. No. 7, PageID 123–24.)

To remove a civil action from state court to federal court, a defendant must file a notice of removal in the federal forum “containing a short and plain statement of the grounds for

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removal, together with a copy of all process, pleadings, and orders served upon such defendant . . . in such action.” 28 U.S.C. § 1446(a). And the notice of removal must be filed “within 30 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.” *Id.* § 1446(b).

Nguyen hasn’t followed these basic procedures.

The Court has identified several procedural irregularities here. For example, Nguyen is the plaintiff in at least two of the state-court actions; Nguyen’s notice of removal, for each state-court action, is untimely; Nguyen hasn’t identified any federal claims on the face of the state-court complaint, so there’s no potential for federal question jurisdiction; Nguyen and Tran are both California citizens, so there’s no potential for diversity jurisdiction; and Nguyen hasn’t provided the Court with copies of all required process, pleadings, and orders.

For these reasons, among others, the Court GRANTS the motion to remand and DENYS the request for attorney fees. (Dkt. No. 7.)

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Initials of
Preparer lmb