

1  SC

2 | Page

3 | Page

4 |||

5 | Page

6 || IN THE UNITED STATES DISTRICT COURT

7 FOR THE EASTERN DISTRICT OF CALIFORNIA

88

9 Johnny Renteria, ) No. CV 1-08-00766-JMR

10 Plaintiff, ) **ORDER**

11 || vs. )

12 J. Yates, et al., )

13 Defendants. )

14 || \_\_\_\_\_)

15 Plaintiff Johnny Renteria, who is confined in the Pleasant Valley State Prison (PVSP)

16 in Coalinga, California, filed a *pro se* complaint in California state court, which the

Defendants removed to federal court based on Plaintiff's allegation of federal constitutional

18 violations in his Complaint. (Doc.# 1.) Plaintiff's motion for remand was subsequently

denied. (Doc.# 5.) In an Order filed on March 3, 2009, the Court dismissed Plaintiff's

20 federal claims from the Complaint with leave to file an amended complaint in which he could

attempt to state a federal claim. (Doc.# 9.) The Order further provided that if Plaintiff failed

22 to file an amended complaint within 30 days, the remaining claims in his Complaint and this

action would be remanded to state court. (*Id.*) Plaintiff has not filed an amended complaint.

Accordingly, the Court will order the balance of the Complaint and this action remanded to

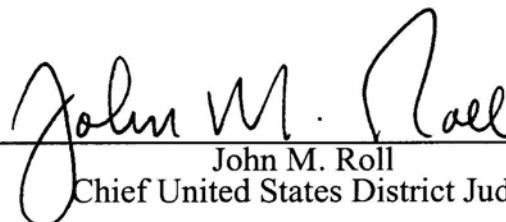
25 State court for lack of federal subject matter jurisdiction.

IT IS ORDERED that pursuant to the Order filed on March 3, 2009, the Clerk of

<sup>17</sup> *Start Smart: Building a Financial Future for Your Family in the Complicated and Often*

1 to state court pursuant to 28 U.S.C. § 1447(c).

2 DATED this 24<sup>th</sup> day of April, 2009.

3  
4  
5   
6 

---

  
7 John M. Roll  
Chief United States District Judge

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28