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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANDY EVA ALEC,) 1:11-cv-01385 AWI GSA
)
Plaintiff,)
)
v.)
)
Defendants.)

**ORDER VACATING OSC REGARDING
WHY THIS CASE SHOULD NOT BE
REMANDED TO CALAVERAS COUNTY
SUPERIOR COURT**

COUNTY OF CALAVERAS, a municipality,)
CALAVERAS COUNTY SHERIFF'S)
DEPARTMENT; GARY KUNTZ,) (Doc. 11)
individually and in his official capacity as)
CALVERAS COUNTY SHERRIFF;)
MICHELLE BUSBY, individually, and)
DOES ONE through Twenty-FIVE, inclusive,)
_____)

On May 27, 2011, Plaintiff filed a civil rights action in the Calaveras County Superior Court. (Doc. 1 at pg. 7). On August 18, 2011, Defendants, County of Calaveras and Gary Kuntz (“Defendants”) removed the action to this Court. ¹ (Doc. 1).

On November 9, 2011, this Court issued an Order to Show Cause Why the Case Should

¹ Defendants allege that Calaveras County and Calaveras County Sheriff’s Department and were erroneously named in this action. (Doc. 1 at pg. 1).

1 not be Remanded to Calaveras County Superior Court because the date of service of the
2 complaint was unclear from Defendants' removal documents. Defendants have shown sufficient
3 proof of service. (Doc. 13 at pgs. 5-10). As such, the Court takes judicial notice that these
4 Defendants were served on July 20, 2012, which is within thirty days of the date this action was
5 removed to this Court. Accordingly, the Order to Show Cause issued on November 9, 2011
6 (Doc. 11) is hereby discharged.

7
8 IT IS SO ORDERED.

9 **Dated: November 15, 2011**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE