

1 **I. Parties Arguments**

2 Plaintiff asks the Court to either exercise supplemental jurisdiction over his state
3 law claims or to remand those claims to state court after rendering a determination on
4 his constitutional retaliation claim.

5 Defendant responds that Plaintiff's request is premature. In the event the Court
6 dismisses Plaintiff's federal claims, it may remand or dismiss the remaining state law
7 claims.

8 **II. Discussion**

9 The Court has conducted an initial screening of Plaintiff's complaint and
10 determined that he states a cognizable claim for First Amendment retaliation.
11 Accordingly, the Court may exercise supplemental jurisdiction over Plaintiff's state law
12 claims, which arise out of the same transaction or occurrence. 28 U.S.C. § 1367(a). The
13 Court has done so in the screening order, and determined that the state law claims are
14 not cognizable as pled.

15 Plaintiff provides no basis to suggest that the exercise of supplemental jurisdiction
16 is improper at this stage of the proceedings. Accordingly, the motion for remand should
17 be denied.

18 **III. Conclusion and Recommendation**

19 The Court has federal question jurisdiction over Plaintiff's federal claims and
20 supplemental jurisdiction over Plaintiff's state law claims. Plaintiff suggests no other
21 basis for remand. Accordingly, it is HEREBY RECOMMENDED that the motion for
22 remand be DENIED.

23 The findings and recommendation are submitted to the United States District
24 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
25 **fourteen** (14) days after being served with the findings and recommendation, any party
26 may file written objections with the Court and serve a copy on all parties. Such a
27 document should be captioned "Objections to Magistrate Judge's Findings and
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1 Recommendation.” Any reply to the objections shall be served and filed within fourteen
2 (14) days after service of the objections. The parties are advised that failure to file
3 objections within the specified time may result in the waiver of rights on appeal.
4 Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923
5 F.2d 1391, 1394 (9th Cir. 1991)).

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7 IT IS SO ORDERED.

8 Dated: December 7, 2016

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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