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3 **UNITED STATES DISTRICT COURT**
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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6 **CHRISTOPHER RENFRO, et al.,**

7 **Plaintiffs,**

8 **v.**

9 **J.G. BOSWELL CO., INC., et al.,**

10 **Defendants.**

1:17-cv-418-LJO-EPG

**MEMORANDUM DECISION AND
ORDER RE DEFENDANT’S MOTION
TO REMAND TO STATE COURT (Doc. 1
5)**

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13 Plaintiffs, proceeding pro se, filed a case against Defendants in the Superior Court for the County
14 of Kings, alleging various state-law claims. *See* Doc. 5-2 at 20. A few months later, Plaintiffs removed
15 the case to this Court, asserting additional federal claims and that this Court has jurisdiction. *See* Doc. 1
16 at 7 (plaintiffs stating “this case is a transfer from Kings County Superior Court on the basis of Federal
17 Law Violations”); Doc. 1-1 at (plaintiffs indicating on civil cover sheet that the origin of this case is
18 “Removed from State Court”).

19 Defendant Young’s Commercial Transfer, Inc., moves to remand the case to Superior Court.
20 Doc. 5. Defendant argues, among other things, that Plaintiffs are not permitted to remove their own case
21 under the federal removal statute, 28 U.S.C. § 1446(a), which provides that only “[a] defendant or
22 defendants” may remove a case from state court to federal court.

23 The Court agrees. The plain language of § 1446(a) permits only a defendant—not a plaintiff—to
24 remove a case from state court to federal court. *See Progressive West Ins. Co. v. Preciado*, 479 F.3d
25 1014, 1018 (9th Cir. 2007) (“Section 1446, in turn, sets forth the removal procedure for “[a] defendant

1 *or defendants* desiring to remove any civil action . . . from a State court.”) (emphasis in original); *ASAP*
2 *Copy & Print v. Canon Bus. Solutions, Inc.*, 643 Fed. App’x 650, 652 (9th Cir. 2016) (“28 U.S.C. §
3 1443, like other federal removal statutes, permits removal only by *defendants* in state court actions”)
4 (emphasis in original).

5 Accordingly, the Court GRANTS Defendant’s motion to remand. This case is REMANDED to
6 Superior Court for the County of Kings. The Clerk of Court is directed to CLOSE this case.

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8 IT IS SO ORDERED.

9 Dated: July 6, 2017

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE