IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JACQUELYN ARCHAMBAULT,

Plaintiff, No. CIV S-09-0856 LKK KJM PS

vs.

ADESA GOLDEN GATE, ORDER TO SHOW CAUSE

Defendant.

_____/

This action is related to a previous action filed by plaintiff in state court and removed to this court by the same defendant, Archambault v. Adesa Golden Gate, Civ.S. 08-1616 LKK GGH PS. This court previously found that plaintiff had failed to state a federal claim in that action, and recommended that the case be remanded to state court for consideration of the state law claims. The district court adopted those findings and recommendations. Plaintiff then filed a new action in state court based on an exact duplicate of the complaint filed in the previous action. Defendant has once again removed that action to this court, knowing that there is no federal jurisdiction.

Accordingly, IT IS ORDERED that:

1. Defendant show cause why it should not be sanctioned for removing this action to federal court after this court previously found there was no federal jurisdiction on the same

complaint. Defendant shall filed a response within twenty days of this order.

2. Defendant shall re-notice its motion to dismiss, currently scheduled before Judge Mueller on May 13, 2009, on the undersigned's calendar.

DATED: April 9, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
U. S. MAGISTRATE JUDGE

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