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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 GEORGE R. WASLEY, JR.,

No. Civ. 2:09-CV-03306 JAM DAD

12 Plaintiff,

ORDER GRANTING DEFENDANT'S  
MOTION FOR ABSTENTION

13 v.

14 COUNTY OF PLACER, and DOES 1  
15 THROUGH 100, inclusive,

16 Defendants. /  
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18 This matter comes before the Court on Defendant County of  
19 Placer's ("Defendant") Motion for Abstention. (Doc. # 11).  
20 Defendant's Motion for Abstention was filed in conjunction with  
21 its Motion to Dismiss (Doc. # 10). The Motion for Abstention  
22 requests, in the alternative, that if the Court does not  
23 completely dismiss the matter for the reasons stated in the  
24 Motion to Dismiss, the Court should abstain from exercising  
25 federal jurisdiction pursuant to Railroad Commissioner v.  
26 Pullman, 312 U.S. 496, L. Ed. 971, 61 S. Ct. 643 (1941). (Doc. #  
27  
28 11). Plaintiff George R. Wasley, Jr. ("Plaintiff") filed a

1 Statement of Non-Opposition to Defendant's Motion for  
2 Abstention. (Doc. # 22). A hearing on this matter was held  
3 before the Court on June 16, 2010.  
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5 The Pullman abstention doctrine allows a federal court to  
6 postpone the exercise of federal jurisdiction when "a federal  
7 constitutional issue . . . might be mooted or presented in a  
8 different posture by a state court determination of pertinent  
9 state law." C-Y Development Co. v. City of Redlands, 703 F.2d  
10 375, 377 (9th Cir. 1983) (quoting County of Allegheny v. Frank  
11 Mashuda Co., 360 U.S. 185, 189, 79 S.Ct. 1060 (1959). Pullman  
12 abstention is appropriate where:  
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- 14 (1) The complaint touches a sensitive area of social  
15 policy upon which the federal courts ought not to  
16 enter unless no alternative to its adjudication is  
open.
- 17 (2) Such constitutional adjudication plainly can be  
18 avoided if a definitive ruling on the state issue  
19 would terminate the controversy.
- 20 (3) The possibly determinative issue of state law is  
21 doubtful.

22 Sinclair Oil Corp. v. County of Santa Barbara, 96 F.3d 401, 409  
23 (9th Cir. 2006).

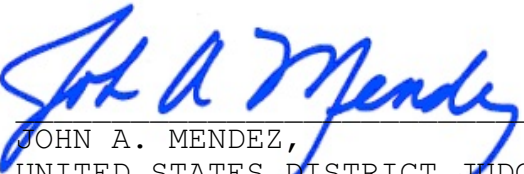
24 Here, (1) Plaintiff's Complaint involves a sensitive area  
25 of social policy (land use) that is best left to the state to  
26 address, (2) a ruling by the state court will "narrow" the  
27 federal constitutional questions at issue (See id. at 405), and  
28

1 (3) the resolution of state law regarding the Subdivision Map  
2 Act is uncertain, as there are very few reported cases in the  
3 area of the Subdivision Map Act. As such, this case meets the  
4 criteria for Pullman abstention.  
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6 Accordingly, the Court GRANTS Defendant's Motion for  
7 Abstention under the Pullman abstention doctrine and will hereby  
8 postpone the exercise of federal jurisdiction (including not  
9 reaching a decision on Defendant's Motion to Dismiss) until  
10 completion of the state proceeding. The parties are ordered to  
11 file a joint status statement within ten (10) days of final  
12 resolution of the state proceeding.  
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15 IT IS SO ORDERED.

16 DATED: June 18, 2010

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19 JOHN A. MENDEZ,  
20 UNITED STATES DISTRICT JUDGE  
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