

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE R. WASLEY, JR., No. Civ. 2:09-CV-03306 JAM DAD

ORDER GRANTING DEFENDANT'S
MOTION FOR ABSTENTION

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

Defendants. /

This matter comes before the Court on Defendant County of Placer's ("Defendant") Motion for Abstention. (Doc. # 11). Defendant's Motion for Abstention was filed in conjunction with its Motion to Dismiss (Doc. # 10). The Motion for Abstention requests, in the alternative, that if the Court does not completely dismiss the matter for the reasons stated in the Motion to Dismiss, the Court should abstain from exercising federal jurisdiction pursuant to Railroad Commissioner v.

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:
13

- 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
would terminate the controversy.
- 19 (3) The possibly determinative issue of state law is
20 doubtful.

21 Sinclair Oil Corp. v. County of Santa Barbara, 96 F.3d 401, 409
22
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

(3) the resolution of state law regarding the Subdivision Map Act is uncertain, as there are very few reported cases in the area of the Subdivision Map Act. As such, this case meets the criteria for Pullman abstention.

Accordingly, the Court GRANTS Defendant's Motion for Abstention under the Pullman abstention doctrine and will hereby postpone the exercise of federal jurisdiction (including not reaching a decision on Defendant's Motion to Dismiss) until completion of the state proceeding. The parties are ordered to file a joint status statement within ten (10) days of final resolution of the state proceeding.

IT IS SO ORDERED.

DATED: June 18, 2010


JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE