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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JOHN S. WILLIAMS and FAITH
WILLIAMS,

Plaintiffs,

v.

No. 2:11-cv-130 FCD GGH

MEMORANDUM AND ORDER

EVERGREEN AVIATION GROUND
LOGISTICS ENTERPRISE, INC.;
COUNTY OF SACRAMENTO; and DOES
1-20, inclusive,

Defendants.

_____/

COUNTY OF SACRAMENTO,

Cross-complainant,

v.

UNITED STATES POSTAL SERVICE;
EVERGREEN AVIATION GROUND
LOGISTICS ENTERPRISE, INC.;
and ROES 1-20, inclusive,

Cross-defendants.

_____/

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1 This matter arises out of a complaint for personal injuries
2 filed by plaintiffs John S. Williams and Faith Williams in the
3 Superior Court of California in the County of Sacramento against
4 defendants Evergreen Aviation Ground Logistics Enterprise, Inc.
5 and the County of Sacramento. Subsequently, the County of
6 Sacramento filed a cross-complaint in state court, seeking
7 indemnity from the United States, sued as the United States
8 Postal Service, and from Evergreen Aviation Ground Logistics
9 Enterprise, Inc.. The United States then removed the case to
10 this court pursuant to 28 U.S.C. § 1442(a)(1) because the United
11 States was named as a defendant in the state court civil action.

12 On January 21, 2011, the United States filed a motion to
13 dismiss the cross-complaint on the basis that it is entitled to
14 sovereign immunity. On February 9, 2011, cross-complainant,
15 County of Sacramento, filed a notice of non-opposition to the
16 United States' motion to dismiss.

17 In light of the submissions of the parties, cross-defendant
18 United States' motion to dismiss is GRANTED. Because the United
19 States is no longer a named defendant in the action and because
20 no other basis for federal jurisdiction appears on the face of
21 the complaint, the court REMANDS this action to the Superior
22 Court of California, County of Sacramento.

23 IT IS SO ORDERED.

24 DATED: February 11, 2011



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

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