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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KUWESE COREYELLE WALKER,
Plaintiff,

v.

CITY OF SACRAMENTO, CA; THE
SACRAMENTO POLICE
DEPARTMENT; and DOES 1-5 IN
THEIR OFFICIAL AND PERSONAL
CAPACITY,
Defendants.

No. 2:15-cv-00656-MCE-EFB

ORDER

This lawsuit arises from the detention, search and arrest of Plaintiff Kuwese Coreyelle Walker ('Plaintiff') for domestic violence by the Sacramento Police Department and a subsequent motor vehicle accident that occurred when the patrol car transporting Plaintiff to the Sacramento County Jail hit a concrete pillar in the Jail's underground parking lot as the officer driving the car was parking. Plaintiff's complaint, initially filed in state court, was removed here on federal question grounds pursuant to 28 U.S.C. § 1331 inasmuch as Plaintiff's lawsuit included claims made pursuant to 42 U.S.C. § 1983.

On November 1, 2016, Defendant City of Sacramento¹ filed its Motion for Partial Summary Judgment as to all claims except for Plaintiff's state law negligence claim ECF

¹ According to the City of Sacramento, naming the Sacramento Police Department as an additional defendant was in error and the City is the only defendant who has appeared.

1 No. 15. That claim is based on Plaintiff's allegation that he was injured when the patrol
2 car collided with the parking lot pillar at a speed estimated to be less than two miles per
3 hour.

4 By Memorandum and Order filed October 6, 2017 (ECF No. 22), this Court
5 granted Defendant City's Motion for Partial Summary Judgment in its entirety, leaving
6 only the negligence claim described above. The City of Sacramento now moves to
7 remand the case back to state court under 28 U.S.C. §§ 1367 (c)(3) and 1447 on
8 grounds that this Court should decline to exercise supplemental jurisdiction now that the
9 federal claims upon which federal jurisdiction was based have been dismissed. As
10 stated above, once Plaintiff's other claims, including his federal claim pursuant to
11 42 U.S.C. § 1983, were dismissed by the Court's October 6, 2017 Order, Plaintiff's sole
12 remaining cause of action is a common-law negligence claim sounding in state, and not
13 federal law.

14 Plaintiff has failed to oppose the City's Motion to Remand, and the Court agrees it
15 should decline to exercise jurisdiction over this matter now that all federal claims have
16 been dismissed. Consequently, the City of Sacramento's Motion to Remand (ECF
17 No. 23) is GRANTED.² The Clerk of Court is accordingly directed to remand this case to
18 the originating state court, the Superior Court of the State of California in and for the
19 County of Sacramento, for final adjudication. The Clerk shall thereafter close the case in
20 this Court.

21 IT IS SO ORDERED.

22 Dated: March 29, 2018

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25 MORRISON C. ENGLAND, JR.
26 UNITED STATES DISTRICT JUDGE

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² Having determined that oral argument would not be of material assistance, the Court ordered this matter submitted on the briefs in accordance with E.D. Local Rule 230(g).