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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MTGLQ Investors, L.P.,  
  
Plaintiff,  
  
v.  
  
RICHARD CAMPBELL, STEPHANIE  
CAMPBELL, STEPHEN HARMON, and  
DOES 1-5,  
  
Defendants.

No. 2:15-cv-2317 KJM AC (PS)

ORDER CONTINUING HEARING

This is an unlawful detainer case that was originally filed in the Sacramento County Superior Court. Defendant Richard Campbell, proceeding pro se, filed a Notice of Removal in this court, and a request to proceed in forma pauperis. ECF Nos. 1, 2. Plaintiff has filed a motion to remand this matter back to the Superior Court. ECF No. 4. Defendants have not responded to the motion. The matter was referred to the undersigned by E.D. Cal. R. 302(c)(21), and ECF No. 7 (Minute Order). The motion came on for hearing on January 27, 2016. Plaintiff was represented at the hearing by counsel, and defendants did not appear.

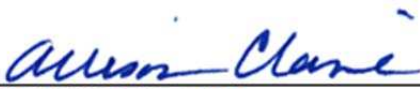
At the hearing, counsel for plaintiff advised the court that “Gulliver Campbell,” who resides at the same address that is the subject of the unlawful detainer action, and who shares a last name with two of the defendants, had filed a petition in bankruptcy court. In light of this, counsel indicated that a continuance of this hearing for 30 days, until plaintiff’s motion for relief

1 from the automatic stay could be heard in the bankruptcy court, would be appropriate, citing  
2 Zvafler v. Casey, 2010 U.S. Dist. LEXIS 101457 at \*1 (S.D. Cal. Sep. 24, 2010) (no Westlaw  
3 citation) (“this Court cannot grant the Motion to Remand” because “[d]uring an automatic  
4 bankruptcy stay the Court cannot take any action which involves deliberation, discretion, or  
5 judicial involvement”) (citing McCarthy, Johnson & Miller v. North Bay Plumbing, Inc. (In re  
6 Pettit), 217 F.3d 1072, 1080 (9th Cir. 2000) (discussing the “ministerial act” exception to the  
7 automatic stay of 11 U.S.C. § 362(a)).

8 The hearing on the motion for relief from the automatic stay is scheduled for February 9,  
9 2016. See In re Gulliver Campbell, Bankr. No. 15-29505, ECF No. 19 (Bankr. E.D. Cal. Jan. 7,  
10 2016). The court at this point expresses no opinion on whether the automatic stay applies to this  
11 action, in which “Gulliver Campbell” is not a named party, nor whether a motion to remand for a  
12 jurisdictional defect is subject to the automatic stay. Instead, the court will grant plaintiff’s  
13 request for a 30-day continuance of this motion. The parties will have an opportunity to address  
14 any issues arising from the bankruptcy at the continued hearing, if no relief from the stay has  
15 been granted by then.

16 For the reasons stated above, IT IS HEREBY ORDERED that the hearing on this motion  
17 is CONTINUED to March 2, 2016 at 10:00 a.m.

18 DATED: January 27, 2016

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20 ALLISON CLAIRE  
21 UNITED STATES MAGISTRATE JUDGE  
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