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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROY GARCIA,
Plaintiff,
v.
KRATOS DEFENSE SOLUTIONS, et al.,
Defendants.

No. 2:17-cv-01202-TLN-EFB

**ORDER DENYING PLAINTIFF'S
MOTION FOR REMAND**

This matter is before the Court pursuant to Plaintiff Roy Garcia's ("Plaintiff") Motion to Remand to State Court. (ECF No. 4.) Defendant Kratos Defense Solutions ("Defendant") opposes. (ECF No. 5.) Plaintiff has not replied. The Court has carefully considered the arguments raised by the parties' briefing. For the following reasons, Plaintiff's Motion for Remand to State Court (ECF No. 4) is DENIED.

The district court has original jurisdiction over civil actions between citizens of different states in which the alleged damages exceed \$75,000. 28 U.S.C. § 1332(a)(1). The party asserting federal jurisdiction bears the burden of proving diversity. *Lew v. Moss*, 797 F.2d 747, 749 (9th Cir. 1986) (citing *Resnik v. La Paz Guest Ranch*, 289 F.2d 814, 819 (9th Cir. 1961)).

The parties agree they are diverse from one another - Plaintiff is a citizen of Colorado and Defendant is a citizen of Delaware and California - and the amount in controversy exceeds \$75,000. (ECF No. 4 at 2; ECF No. 6 at 3.) Plaintiff moves for remand, arguing this Court "does

1 not have jurisdiction over claims based on state specific laws and associated claims from the same
2 wrong or action,” because one of Plaintiff’s claims is based on alleged violations of California
3 Government Code §12940(a). (ECF No. 4 at 2–3.) Plaintiff appears to conflate federal question
4 jurisdiction with diversity jurisdiction. Defendant removed this matter on the basis of diversity
5 jurisdiction (ECF No. 1 at 1), and the parties agree that all requirements for diversity jurisdiction
6 are met. (ECF No. 4 at 2; ECF No. 6 at 3.) Under this circumstance, removal is proper.

7 Accordingly, the Court hereby DENIES Plaintiff’s Motion to Remand (ECF No. 4).

8 IT IS SO ORDERED.

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10 Dated: September 5, 2017

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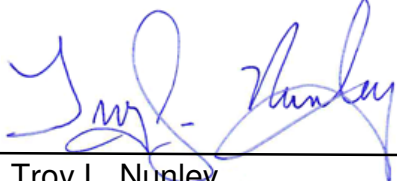
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Troy L. Nunley
United States District Judge