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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL THOMAS POWELL,
Plaintiff,
v.
T. ARTIMES POWELL,
Defendant.

No. 2:17-cv-01751 TLN CKD (PS)

ORDER &
FINDINGS & RECOMMENDATIONS

This action was removed from state court. Removal jurisdiction statutes are strictly construed against removal. See Libhart v. Santa Monica Dairy Co., 592 F.2d 1062, 1064 (9th Cir. 1979). “Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.” Gaus v. Miles, 980 F.2d 564, 566 (9th Cir. 1992).

Here, defendant seeks to remove Case. No. 17FS00130, concerning a support order issued in Placer County, from the Sacramento County Superior Court. (ECF No. 1.) This is duplicative of an earlier-filed action, No. 2:17-cv-01035 KJM CKD, in which defendant sought to remove Case No. 17FS00130 from the Placer County Superior Court. On August 4, 2017, case No. 2:17-cv-01035 KJM CKD was dismissed and remanded to superior court due to untimely removal under 28 U.S.C. § 1446(b).

As in the earlier-filed case, the instant case involves a family law matter that does not appear to present a federal question. Family law disputes are domestic relations matters

1 traditionally within the domain of the state courts, and it is appropriate for federal district courts
2 to abstain from hearing such cases, which often involve continued judicial supervision by the
3 state. See Coats v. Woods, 819 F.2d 236, 237 (9th Cir. 1987). The proper recourse for alleged
4 errors in family law orders is appeal of those orders in the state appellate courts.

5 Defendant has submitted the affidavit required by § 1915(a) showing that she is unable to
6 prepay fees and costs or give security for them. Accordingly, defendant's request to proceed in
7 forma pauperis will be granted. 28 U.S.C. § 1915(a).

8 Accordingly, IT IS HEREBY ORDERED that the motion to proceed in forma pauperis
9 (ECF No. 2) is granted.

10 IT IS HEREBY RECOMMENDED that the above-entitled action be summarily remanded
11 to the Superior Court of California, County of Sacramento.

12 These findings and recommendations are submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
14 after being served with these findings and recommendations, any party may file written
15 objections with the court and serve a copy on all parties. Such a document should be captioned
16 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
17 shall be served and filed within seven days after service of the objections. The parties are advised
18 that failure to file objections within the specified time may waive the right to appeal the District
19 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

20 Dated: August 31, 2017

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22 _____
23 CAROLYN K. DELANEY
24 UNITED STATES MAGISTRATE JUDGE

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