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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VADIM EVENBACH,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 2:17-cv-02174-KJN

ORDER AND FINDINGS AND
RECOMMENDATIONS

On October 18, 2017, defendant filed a notice, removing this Social Security action from California State Court to the United States District Court, pursuant to 28 U.S.C. §§ 1441 and 1442.¹ (ECF No. 1.) Previously, on October 12, 2017, this matter was dismissed for lack of jurisdiction by the Sacramento County Superior Court – Small Claims Division. (See ECF No. 5; Case No. 17SC03292.) As a result, when defendant filed the notice of removal, there was no open case to remove to federal court. Therefore, the court concludes that removal was not appropriate and this matter should be dismissed without prejudice.²

¹ Because plaintiff proceeds pro se, this case was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(21).

² Dismissal of this case will not affect plaintiff’s ability to appeal the decision of the Commissioner of Social Security, if such appeal is otherwise available.

