

1 **II. STANDARD OF LAW**

2 28 U.S.C. § 1441 permits the removal to federal court of any civil action over which “the
3 district courts of the United States have original jurisdiction.” 28 U.S.C. § 1441(a). Removal is
4 proper only if the court could have exercised jurisdiction over the action had it originally been
5 filed in federal court. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). Courts “strictly
6 construe the removal statute against removal jurisdiction,” and “the defendant always has the
7 burden of establishing that removal is proper.” *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir.
8 1992) (per curiam).

9 Title 28 U.S.C. § 1446 requires a defendant removing a civil action from a state court to a
10 district court to include “a short and plain statement of the grounds for removal, together with a
11 copy of all process, pleadings, and orders served upon such defendant.” 28 U.S.C. § 1446(a).

12 Section 1446 also requires that the “notice of removal of a civil action or proceeding shall
13 be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy
14 of the initial pleading setting forth the claim for relief upon which such action or proceeding is
15 based, or within 30 days after the service of summons upon the defendant if such initial pleading
16 has then been filed in court and is not required to be served on the defendant, whichever period is
17 shorter.” 28 U.S.C. § 1446(b)(1). “When a civil action is removed solely under section 1441(a),
18 all defendants who have been properly joined and served must join in or consent to the removal of
19 the action.” 28 U.S.C. § 1446(b)(2)(A).

20 **III. ANALYSIS**

21 This removal action was not timely filed. The state court summons states the summons
22 was served by personal delivery on September 19, 2017. (ECF No. 1 at 14). Dorris removed this
23 action on December 6, 2017, (ECF No. 1 at 1), well after the 30-day period required by 28 U.S.C.
24 § 1446(b)(1).

25 Additionally, Dorris did not include the required documents in the filing. A defendant
26 must include with the removal notice copies of all process, pleadings, and orders with which the
27 defendant had been served. 28 U.S.C. § 1446(a). The state court complaint references nine pages
28 of attachments, (ECF No. 1 at 12), which Dorris did not provide with the notice of removal.

1 Further, the Court has not been provided with documentation that all defendants have
2 joined or consented to the removal of this action, as required. “When a civil action is removed
3 solely under section 1441(a), all defendants who have been properly joined and served must join
4 in or consent to the removal of the action.” 28 U.S.C. § 1446(b)(2)(A). “A defendant or
5 defendants desiring to remove any civil action from a State court shall file in the district court of
6 the United States for the district and division within which such action is pending a notice of
7 removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure....” 28 U.S.C. §
8 1446(a). The caption of both the state court case and the removal notice refer to two named
9 defendants, Dorris and Daniela Koetz (“Koetz”), and the text refers to a third, Grant Marcus.
10 (ECF No. 1 at 1, 5 ¶ 12.a., & 10.) Only Dorris signed the removal notice. (ECF No. 1 at 8.) A
11 party may only represent himself and manage his own case in federal court. 28 U.S.C.A. § 1654.
12 “It is well established that the privilege to represent oneself *pro se* provided by § 1654 is personal
13 to the litigant and does not extend to other parties or entities.” *Simon v. Hartford Life, Inc.*, 546
14 F.3d 661, 664 (9th Cir. 2008). Dorris, a *pro se* litigant who does not purport to be licensed to
15 practice law in California, may not represent or file on behalf of any co-defendants.

16 Dorris has not met the removing party’s burden of showing that jurisdiction before this
17 Court is proper. Therefore, it is appropriate to remand this case, *sua sponte*, for lack of federal
18 jurisdiction. *See United Investors Life Ins. Co. v. Waddell & Reed Inc.*, 360 F.3d 960, 967 (9th
19 Cir. 2004) (“the district court ha[s] a duty to establish subject matter jurisdiction over the
20 removed action *sua sponte*, whether the parties raised the issue or not.”).

21 **IV. CONCLUSION**

22 For the foregoing reasons, the Court hereby REMANDS this action to the Yolo Superior
23 Court. The Court has reviewed motions for in forma pauperis status from Koetz (ECF No. 2),
24 and Dorris (ECF No. 3), and finds both Koetz and Dorris meet the requisite standard. The Court
25 GRANTS both Koetz’s and Dorris’s motion for in forma pauperis status (ECF Nos. 2 & 3).

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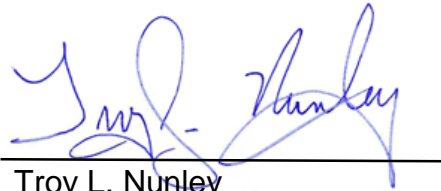
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IT IS SO ORDERED.

Dated: December 8, 2017



Troy L. Nunley
United States District Judge