

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

ISABELLA TAYLOR,  
Plaintiff,

v.

LILY BINCKHAUS, D.D.S.,  
Defendant.

Case No. [17-cv-01995-NJV](#)

**ORDER OF REMAND**

This action was removed to this court on April 10, 2017, from the Superior Court of the State of California, County of Mendocino. (Doc. 1.) On May 3, 2017, the court entered an Order that substituted the United States in place of Defendants Mendocino Community Health Clinic, Inc., Navneet Mansukhani, D.D.S., and Periza Zaninovic, D.D.S., and dismissed the claims against the United States for lack of subject matter jurisdiction because Plaintiff had not exhausted her administrative remedies. (Doc. 15). This left the Complaint with only state law claims against Lily Binckhaus, D.D.S., the remaining Defendant.

On May 16, 2017, the court held a hearing to determine the status of the case and to inquire as to whether the court retained subject matter jurisdiction over the claims against the remaining Defendant. At the hearing the parties stipulated that the court lacked subject matter jurisdiction and that the case should be remanded to state court.

Federal courts are courts of limited jurisdiction, having subject matter jurisdiction only over matters authorized by the Constitution and Congress. *See Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994). The removal statute requires remand “[i]f at any time before final judgment it appears that the district court lacks subject matter jurisdiction.” 28 U.S.C. § 1447(c).

1 Here the court lacked subject matter over the claims against the United States because they were  
2 not exhausted. Thus, the court lacked supplemental jurisdiction over the state law claims against  
3 Lily Binckhaus, D.D.S. Accordingly, this matter is properly remanded to the state court.

4 For the above stated reasons it is ORDERED that this case shall be remanded to the  
5 Superior Court of the State of California, County of Mendocino.

6 A separate judgment shall issue.

7 **IT IS SO ORDERED.**

8 Dated: May 16, 2017



NANDOR J. VADAS  
United States Magistrate Judge