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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLOTTE LAVENDER FONUA,

No. C 09-497 SI

Plaintiff,

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE REMANDED TO
STATE COURT**

v.

FIRST ALLIED FUNDING, *et al.*,

Defendants.

_____ /

United States District Court
For the Northern District of California

On February 4, 2009, defendants removed this case from state court based on federal question jurisdiction because the complaint alleged federal and state claims. In response to the Court’s March 27, 2009 order granting defendants’ motions to dismiss the complaint, plaintiff filed a first amended complaint alleging only state law claims. The first amended complaint, filed *pro se*, states “[t]here is no jurisdictional basis for this first amended complaint . . . [and] that this matter should be ordered returned to the state court.” First Amended Compl. 1-2.

Defendant Countrywide moved to dismiss the first amended complaint for failure to state a claim. The motion does not address the Court’s jurisdiction. After the motion was filed, plaintiff secured representation, and through counsel has filed an opposition which states that plaintiff intends to pursue only state law claims. As such, it appears that this Court lacks subject matter jurisdiction and that this case should be remanded to state court. **The parties are therefore ORDERED TO SHOW CAUSE, in writing filed no later than July 6, 2009, why this action should not be remanded to the Superior Court for the County of Alameda, where this case was pending prior to removal.** The Court VACATES the June 26, 2009 hearing on defendant’s motion to dismiss the first amended

1 complaint.

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3 **IT IS SO ORDERED.**

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5 Dated: June 19, 2009

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SUSAN ILLSTON
United States District Judge