

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7

8 PEOPLE OF THE STATE OF CALIFORNIA,

No. C 10-02748 SI

9 Plaintiff,

**ORDER REMANDING ACTION TO
MARIN COUNTY SUPERIOR COURT**

10 v.

11 ENRIQUE SOLIS ALVAREZ,

12 Defendant.
13 _____/

14 On July 9, 2010, the Court issued an order directing defendant Enrique Solis Alvarez to show
15 cause why this action should not be remanded back to the Superior Court for the County of Marin for
16 lack of federal jurisdiction. In that order, the Court noted that although Mr. Solis Alvarez purported to
17 remove his state criminal case to this Court under 28 U.S.C. § 1443, he had failed to identify how
18 removal under that provision was proper or to set forth any basis for federal jurisdiction over this action.

19 In his response to the Order to Show Cause, Mr. Solis Alvarez fails to explain why removal was
20 proper or this Court has jurisdiction. He argues that the Marin County District Attorney has failed to
21 provide him with a bill of particulars detailing the charges against him, that the state court lacks
22 jurisdiction over him, and that he will be deprived of his First Amendment rights and his right to trial
23 by jury in state court because the state trial judge has refused to permit him to be represented by a non-
24 attorney friend or to proceed *pro se* without undergoing a competency hearing.

25 Resolution of Mr. Solis Alvarez's first argument, regarding the bill of particulars, is within the
26 discretion of the state court. Neither that argument, nor his unsupported second argument regarding the
27 state court's supposed lack of jurisdiction, provides a basis for removal to this Court. Mr. Solis
28 Alvarez's First Amendment and jury trial arguments also do not justify removal. The Court has already

1 held that Mr. Solis Alvarez's contentions with respect to self-representation are insufficient to support
2 removal, and Mr. Solis Alvarez has failed to identify the source of any federal right to be represented
3 in court by a non-attorney friend.¹

4 For the foregoing reasons, this action is hereby REMANDED to the Superior Court for the
5 County of Marin for lack of federal jurisdiction. The clerk is directed to close the case and Mr. Solis
6 Alvarez is instructed that no further filings will be accepted in this closed action.

7

8 **IT IS SO ORDERED.**

9

10 Dated: July 21, 2010



SUSAN ILLSTON
United States District Judge

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

¹ Additionally, it is apparent to the Court that Mr. Solis Alvarez's filings have been drafted by his "non-attorney friend," William Henshall. The Court is well-acquainted with Mr. Henshall, who filed a series of non-meritorious actions in this Court between 2007 and 2009 and was eventually declared a vexatious litigant in December 2009. *See Henshall v. Central Parking, Inc.*, No. 09-4481 SI (Docket No. 45). Since the vexatious litigant order was entered, Mr. Henshall has ghostwritten pleadings in at least one other case of which the Court is aware, *Lopez v. HMS Host, No. 09-4930 SI*.

26

27

28