

United States District Court
For the Northern District of California

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

JOHN R WILSON, JOSE AND MAYRA
RODRIGUEZ,

No C 10-2902 VRW

ORDER

Plaintiffs,

v

LASALLE BANK NA, LITTON LOAN
SERVICING LP AND DOES 1-10,

Defendants.

_____ /

Plaintiffs filed a complaint in this foreclosure-related matter in state court in October 2009. Doc #1 at 1. In July 2010, plaintiffs removed the action. Id.

It is well-established "that the plaintiff[s], who chose the forum, [are] bound by that choice and may not remove the case." Scott v Communications Svcs, Inc, 762 F Supp 147, 149-50 (SD Tex 1991) (citing Shamrock Oil & Gas Corp v Sheets, 313 US 100, 107-09 (1941); Tindle v Ledbetter, 627 F Supp 406, 407 (MD La 1986);

1 Estate of Spragins v Citizens National Bank of Evansville, 563 F
2 Supp 424, 426 (ND Miss 1983); Southland Corp v Estridge, 456 F Supp
3 1296, 1298, 1300-01 (CD Cal 1978); Ford Motor Credit Co v Liles,
4 399 F Supp 1282, 1284 (WD Okla 1975); Coditron Corp v AFA
5 Protective Systems, Inc, 392 F Supp 158, 161 (SDNY 1975); Mohawk
6 Rubber Co v Terrell, 13 F2d 266, 266 (WD Mo 1926)). In short, 28
7 USC § 1441 provides defendants — not plaintiffs — with the option
8 of removing certain complaints filed in state court to federal
9 court. Because plaintiffs chose to file their complaint in state
10 court, they must pursue their claims there.

11 The court therefore REMANDS this action to Alameda County
12 superior court. The clerk is DIRECTED to terminate all motions and
13 to close the file.

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15 IT IS SO ORDERED.

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18 VAUGHN R WALKER
19 United States District Chief Judge
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