

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

THE BANK OF NEW YORK MELLON FKA,

No. C 11-5373 SI

Plaintiff,

**ORDER REMANDING ACTION TO THE  
SUPERIOR COURT FOR THE COUNTY  
OF SANTA CLARA**

v.

DEANNE BREWER, *et al.*,

Defendants.

On January 10, 2012, the Court issued an Order to Show Cause Why Case Should Not Be Remanded to State Court for Lack of Jurisdiction. Defendant Deanne Brewer has filed a response to the January 10, 2012 order, asserting that removal was proper based on diversity jurisdiction. However, as the January 10, 2012 order stated, an action is not removable on the basis of diversity of citizenship if the defendant is a citizen of the state in which the action was brought. *See* 28 U.S.C. § 1441(a), (b). Defendant's response states that both defendants are California residents, and thus removal was improper.

Accordingly, this case is REMANDED to the Superior Court for the County of Santa Clara. Plaintiffs' motion to remand is DENIED AS MOOT. Docket No. 13.

**IT IS SO ORDERED.**

Dated: January 25, 2012

  
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SUSAN ILLSTON  
United States District Judge