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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARON D. CASTLIN,

No. C-12-2084 EMC (pr)

Plaintiff,

v.

**ORDER DISMISSING FEDERAL
CLAIMS AND REMANDING CASE TO
STATE COURT**

M. CATE, Director of California Department
of Corrections and Rehabilitation; *et al.*,

Defendants.

Aron D. Castlin, an inmate at Pelican Bay State Prison, commenced this action by filing a complaint in Del Norte County Superior Court. Defendants then removed the action to federal court because claims alleged in the complaint for violations of Castlin's rights under the U.S. Constitution presented a federal question. Pursuant to 28 U.S.C. § 1915A, the Court reviewed the complaint, focusing on the federal claims in it. The Court determined that the complaint failed to state a claim upon which relief could be granted for any of the federal claims. The Court dismissed the complaint with leave to amend no later than August 3, 2012, and later extended the deadline for the amended complaint to October 26, 2012. The deadline for Plaintiff to file an amended complaint has long passed, and he has not filed an amended complaint. Accordingly, the claims for relief under 42 U.S.C. § 1983 are dismissed with prejudice for failure to state a claim upon which relief may be granted.

With the dismissal of the § 1983 claims, several state law claims pled in the complaint remain for adjudication. The Court declines to exercise supplemental jurisdiction over the state law claims now that the federal question claims have been dismissed. *See* 28 U.S.C. § 1367(c)(3).

1 Castlin ought to be allowed to litigate his state law claims in state court where he first asserted those
2 claims. The case therefore will be remanded to state court. *See Swett v. Schenk*, 792 F.2d 1447,
3 1450 (9th Cir. 1986) ("it is within the district court's discretion, once the basis for removal
4 jurisdiction is dropped, whether to hear the rest of the action or remand it to the state court from
5 which it was removed"); *Plute v. Roadway Package System, Inc.*, 141 F. Supp. 2d 1005, 1007 (N.D.
6 Cal. 2001) (court may remand *sua sponte* or on motion of a party).

7 The action is remanded to the Del Norte County Superior Court for such other and further
8 proceedings as that court deems proper. The Clerk shall close the file and send the necessary
9 materials to the Del Norte County Superior Court for the remand.


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11 IT IS SO ORDERED.

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13 Dated: January 31, 2013

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EDWARD M. CHEN
United States District Judge

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