

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

CHRISTOPHER ZAPATA and ELAINE
ZAPATA,

Plaintiffs,

v.

WELLS FARGO BANK, *et al.*

Defendants.

No. C 13-04288 WHA

**ORDER REMANDING THIS
ACTION TO STATE COURT
AND VACATING HEARING**

After reviewing the responses by both parties to the January 24 order to show cause, this action is hereby **REMANDED**. A district court’s power to remand is discretionary when it is a post-removal occurrence and the original basis for federal jurisdiction is eliminated. *Albingia Versicherungs A.G. v. Schenker International, Inc.*, 344 F.3d 931, 938-39 (9th Cir. 2003), opinion amended on other grounds, 350 F.3d 916 (9th Cir. 2003); *Lande v. Lockheed Martin Corp.*, 2009 U.S. Dist. LEXIS 36880, at *13 (N.D. Cal. 2009) (Judge Ronald Whyte).

Defendants’ removal was objectively reasonable because the original complaint alleged a federal RICO claim. Therefore, plaintiffs’ motion for fees is **DENIED**. *Lussier v. Dollar Tree*

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Stores, Inc., 518 F.3d 1062, 1065 (9th Cir. 2008). The hearing currently scheduled for February 6, 2014, is **VACATED**.

IT IS SO ORDERED.

Dated: January 28, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE