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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN DEAN PARKS,

No. C-14-1186 EMC (pr)

Plaintiff,

v.

**ORDER DISMISSING FEDERAL
CLAIMS AND REMANDING ACTION
TO STATE COURT**KEVIN CHAPPELL; *et al.*,

Defendants.


This *pro se* prisoner's civil rights action was originally filed in Marin County Superior Court and later removed to federal court by Defendants because the complaint contained claims for, among other things, violations of Plaintiff's federal constitutional rights and therefore presented a federal question. This Court conducted an initial review of the complaint, determined that it failed to state a claim for a violation of Plaintiff's constitutional rights, and granted leave to amend. This Court required Plaintiff to file his amended complaint no later than April 30, 2014, and cautioned that "[f]ailure to file the amended complaint by the deadline will result in the dismissal of the federal claims and the remand of this action back to state court." Docket # 5 at 4. Plaintiff did not file an amended complaint, and the deadline by which to do so has long passed. Accordingly, the claims for violations of Plaintiff's federal constitutional rights are **DISMISSED**.

With the dismissal of the federal 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). The case therefore will be remanded to state court so that Plaintiff may litigate in his chosen forum. *See Swett v. Schenk*, 792 F.2d 1447, 1450 (9th Cir. 1986) ("it is within the district court's discretion,

1 once the basis for removal jurisdiction is dropped, whether to hear the rest of the action or remand it
2 to the state court from which it was removed”); *Plute v. Roadway Package System, Inc.*, 141 F.
3 Supp. 2d 1005, 1007 (N.D. Cal. 2001) (court may remand *sua sponte* or on motion of a party). The
4 action is remanded to the Marin County Superior Court for such other and further proceedings as
5 that court deems proper. The Clerk shall close the file and send the necessary materials to the Marin
6 County Superior Court for the remand.

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8 IT IS SO ORDERED.

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10 Dated: June 20, 2014

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14 EDWARD M. CHEN
15 United States District Judge
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