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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANK ROBERTSON,
Plaintiff,
v.
COUNTY OF ALAMEDA, et al.,
Defendants.

Case No. 15-cv-03416-TEH

**ORDER GRANTING PLAINTIFF
LEAVE TO AMEND AND DENYING
DEFENDANTS' MOTION TO
DISMISS AS MOOT**

United States District Court
Northern District of California

Defendants County of Alameda and Lori Cox have moved to dismiss the complaint, and Plaintiff Frank Robertson has filed a motion for leave to amend his complaint to remove all federal causes of action and remand the case to state court.

At this early stage of the proceedings, Robertson may make the “straight-forward tactical decision” to dismiss his federal claims and seek remand to state court. *Baddie v. Berkeley Farms, Inc.*, 64 F.3d 487, 491 (9th Cir. 1995). The Court therefore GRANTS Robertson’s request for leave to amend to remove all federal claims, thus rendering Defendants’ motion to dismiss moot. Robertson shall file his amended complaint on or before **September 10, 2015**. The Court encourages counsel to meet and confer to avoid unnecessary litigation over whether the amended complaint continues to assert federal claims.

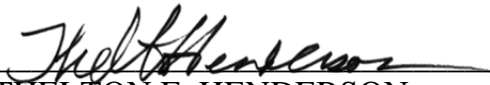
In addition, this Court is not inclined to maintain supplemental jurisdiction over a case that includes no federal claims. *See* 28 U.S.C. § 1367(c)(3) (providing that a court may decline to exercise supplemental jurisdiction when it “has dismissed all claims over which it has original jurisdiction”). Accordingly, the parties shall meet and confer over whether they stipulate to Robertson’s motion to remand. On or before **September 14, 2015**, either the parties shall file a stipulation and proposed order to remand this case or Defendants shall file an opposition to Robertson’s motion to remand. If an opposition is

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filed, Robertson shall file a reply on or before **September 21, 2015**, and this matter will then be deemed submitted on the papers unless otherwise ordered.

IT IS SO ORDERED.

Dated: 09/01/15



THELTON E. HENDERSON
United States District Judge