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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 LOUIS A. LIBERTY,
6 Plaintiff,

7 v.

8 STATE BAR OF CALIFORNIA,
9 Defendant.

Case No. 16-cv-00022-TEH

**ORDER TO SHOW CAUSE RE:
JURISDICTION; ORDER
VACATING BRIEFING AND
HEARING SCHEDULES**

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11 Louis Liberty removed this case – a disciplinary action against him in the State Bar
12 Court of California – on January 4, 2016. He alleges that it “arises under” the Driver’s
13 Protection Privacy Act, 28 U.S.C. §§ 2721-2725, but this contention appears to be based
14 solely on the inclusion of commentary on this federal statute in discovery documents.
15 Notice of Removal at 2. This is not sufficient to create federal question jurisdiction. E.g.,
16 *Caterpillar Inc. v. Williams*, 482 U.S. 386, 398–99 (1987) (under the “well-pleaded
17 complaint” rule, “a federal question must appear on the face of the complaint”). In
18 addition, “proceedings before the State Bar are Sui generis, neither civil nor criminal in
19 character,” *Yokozeki v. State Bar*, 11 Cal. 3d 436, 447 (1974), so they are not removable
20 under 28 U.S.C. § 1441, which provides for removal of civil actions only. E.g., *Supreme*
21 *Ct. of Cal. v. Kinney*, No. 3:15-cv-01552 LB, 2015 WL 3413232, at *5 (N.D. Cal. May 27,
22 2015); *Wolfgram v. State Bar of Cal.*, No. C-94-3064 CAL, 1994 WL 721465, at *1 (N.D.
23 Cal. Dec. 8, 1994).

24 Accordingly, IT IS HEREBY ORDERED that Liberty shall file a written response
25 showing cause as to why he believes this case was properly removed, including why this
26 Court has subject matter jurisdiction, on or before **January 27, 2016**. The State Bar and
27 other parties characterized by Liberty as “Counter and Cross-Defendants” may file a
28 response on or before **February 3, 2016**. A hearing is scheduled for **February 22, 2016**,

1 **at 10:00 AM**, but the Court may, depending on the written responses, decide this matter
2 without oral argument.

3 The briefing and hearing schedules on Liberty's pending motions for writ of
4 possession and to disqualify counsel are hereby VACATED. These schedules will be
5 reset, if necessary, after the Court resolves whether it has jurisdiction over this case.


6 Liberty shall serve a copy of this order on all parties who have not yet entered an
7 appearance in this matter.

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9 **IT IS SO ORDERED.**

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11 Dated: 01/13/16



THELTON E. HENDERSON
United States District Judge

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