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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUANO BERE,  
Plaintiff,

No. C 16-01346 WHA

v.

MGA HEALTHCARE STAFFING INC.,  
Defendant.

**ORDER TO SHOW CAUSE WHY  
THIS ACTION SHOULD NOT BE  
REMANDED**

On March 18, 2016, defendant filed a notice of removal in this pro se employment action on the basis that the action arises under the Federal Medical Leave Act (FMLA) (29 U.S.C. Section 2601). A motion to dismiss is currently pending and hearing is set for May 26, 2016. The face of the complaint, however, appears to only allege state law claims (although it mentions the FMLA in passing) and the parties are not diverse.

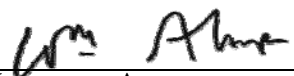
**BY MAY 18, 2016, AT NOON**, defendant is **ORDERED TO SHOW CAUSE** why this Court has subject-matter jurisdiction over this action. In particular, defendant should address why the claims are sufficient for federal question jurisdiction given that any potential FMLA claim would also arise under the California Family Rights Act and the remaining claims also apparently arise under state law. *See Duncan v. Stuetzle*, 76 F3d 1480 (9th Cir. 1996); William W. Schwarzer, A. Wallace Tashima & James Wagstaffe, *Cal. Prac. Guide: Fed. Civ. Pro. Before Trial* § 2:592 (The Rutter Group 2016). Defendant's submissions should not exceed five double spaced pages.

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Pro se plaintiff is advised that he may seek assistance from the Legal Help Center, a free service of the Volunteer Legal Services Program, by calling 415-782-8982, or by signing up for an appointment on the 15th Floor of the Federal Courthouse in San Francisco, 450 Golden Gate Avenue, San Francisco, California. At the Legal Help Center, plaintiff will be able to speak with an attorney who may be able to provide basic legal help, but not representation. More information is available online at: <http://cand.uscourts.gov/helpcentersf>. Plaintiff may also wish to obtain a copy of the district court's Handbook for Litigants Without a Lawyer. It provides instructions on how to proceed at every stage of your case, including discovery, motions, and trial. The handbook is available in person at the Clerk's Office and online at: <http://cand.uscourts.gov/prosehandbook>.

**IT IS SO ORDERED.**

Dated: May 13, 2016.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE