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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIARICHARD TUSCANY,  
Plaintiff,

v.

ELENA VILLALOBOS, et al.,  
Defendants.Case No. [16-cv-07373-JCS](#)

(also filed in Case No. 16-cv-06252-JD)

**ORDER OF SUA SPONTE REFERRAL  
AS TO WHETHER CASES ARE  
RELATED**

Civil Local Rule 3-12(c) provides that “[w]henver a Judge believes that a case pending before that Judge is related to another case, the Judge may refer the case to the Judge assigned to the lowest-numbered case with a request that the Judge assigned to the lowest-numbered case consider whether the cases are related.”

This unlawful detainer action was removed from California Superior Court for the County of Monterey, where it bore the case number 16CV001985. This is the second time that Defendants have removed Monterey County Superior Court case number 16CV001985 to this Court. The previous removal, this Court’s case number 16-cv-06252, was initially assigned to the Honorable Donna Ryu and reassigned to the Honorable James Donato. The Court remanded the case to the Monterey County Superior Court on December 12, 2016, and Cruz filed his second notice of removal—the present case, this Court’s number 16-cv-07373—on December 28, 2016.

Because both removals arise from the same state court action, and because Defendants’ two notices of removal are nearly identical, this action is REFERRED to Judge Donato pursuant to Rule 3-12(c) for a determination of whether this action is related to *Tuscany v. Villalobos*, No. 3:16-cv-06252-JD (N.D. Cal.). Any party may file a response, opposition, or statement in support

United States District Court  
Northern District of California

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of relating the cases **no later than January 9, 2017.**<sup>1</sup>

**IT IS SO ORDERED.**

Dated: January 3, 2017

  
\_\_\_\_\_  
JOSEPH C. SPERO  
Chief Magistrate Judge

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<sup>1</sup> The undersigned has also issued a Report and Recommendation in this case, recommending that the case once again be remanded and that an order be entered requiring pre-filing review of any further removal. If Judge Donato determines that the cases are not related, this case will be reassigned to a randomly selected United States district judge for further proceedings, including action on those recommendations.