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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN CONNELLY,  
Plaintiff,  
v.  
R. BRANCH, et al.,  
Defendants.

Case No. [17-cv-01407-JD](#)

**ORDER REMANDING ACTION  
TO STATE COURT**

This pro se prisoner’s civil action was originally filed in Monterey County Superior Court. Defendants removed the case to this Court on March 15, 2017. On April 7, 2017, the Court screened the complaint and dismissed it with leave to amend. Nearly the same day the Court issued its screening order, plaintiff filed an objection to the removal, but the Court was unaware of that order while screening the case. Plaintiff has also filed a first amended complaint where he repeats his objections to removal. Plaintiff states that there are no federal claims and the case only contains state law claims regarding inadequate medical care in state prison. Defendants have not responded to plaintiff’s filings regarding returning to state court.

Because plaintiff has expressly disavowed any federal claims, the case will be remanded to state court so that plaintiff may litigate in his chosen forum.<sup>1</sup> See *Swett v. Schenk*, 792 F.2d 1447, 1450 (9th Cir. 1986) (“it is within the district court’s discretion, once the basis for removal jurisdiction is dropped, whether to hear the rest of the action or remand it to the state court from which it was removed”); *Plute v. Roadway Package System, Inc.*, 141 F. Supp. 2d 1005, 1007 (N.D. Cal. 2001) (court may remand sua sponte or on motion of a party). The action is

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<sup>1</sup> While plaintiff uses the term “deliberate indifference” which is associated with inadequate medical care in violation of the Eighth Amendment, he is clear that there are no federal claims.

1 **REMANDED** to the Monterey County Superior Court for such other and further proceedings as  
2 that court deems proper. The Clerk shall close the file and send the necessary materials to the  
3 Monterey County Superior Court for the remand.

4 In light of the remand to state court, all pending motions are dismissed as moot. All  
5 further motions must be filed in state court

6 **IT IS SO ORDERED.**

7 Dated: June 22, 2017

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12 JAMES DONATO  
13 United States District Judge  
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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 JOHN CONNELLY,  
4 Plaintiff,

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6 R. BRANCH, et al.,  
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Case No. [17-cv-01407-JD](#)

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on June 22, 2017, I SERVED a true and correct copy(ies) of the attached, by placing  
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 John Connelly ID: H-83535  
18 Correctional Training Facility (CTF)  
19 P.O. Box 705  
20 Soledad, CA 93960

21 Dated: June 22, 2017

22  
23 Susan Y. Soong  
24 Clerk, United States District Court

25  
26 By:   
27 LISA R. CLARK, Deputy Clerk to the  
28 Honorable JAMES DONATO