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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT RICKS,
Plaintiff,
v.
M. VOONG,
Defendant.

Case No. [18-cv-01069-JD](#)

**ORDER REMANDING ACTION
TO STATE COURT**

Re: Dkt. No. 13

This pro se prisoner’s civil action was originally filed in Monterey County Superior Court. Defendant removed the case to this Court because plaintiff alleged a violation of the First Amendment of the United States Constitution. Plaintiff has repeatedly objected to the removal from state court. The Court screened the complaint and dismissed it with leave to amend. The Court advised plaintiff that elimination of any federal claims would permit remand to state court. Plaintiff has filed a reply stating that he wishes to proceed in state court and he again represents that this is not a federal action pursuant to 42 U.S.C. § 1983.

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.¹ 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). Plaintiff says that he does not want to pursue any federal claims, and so any federal claims that might be stated or

¹ The Court declines to exercise supplemental jurisdiction over the state law claims. See *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966).

1 implied in the complaint are dismissed with prejudice.

2 The action is **REMANDED** to the Monterey County Superior Court for such other and
3 further proceedings as that court deems proper. Plaintiff motion (Docket No. 13) is **GRANTED**
4 to the extent the case is remanded.² The Clerk shall close the file and send the necessary materials
5 to the Monterey County Superior Court for the remand. All further motions must be filed in state
6 court.

7 **IT IS SO ORDERED.**

8 Dated: July 25, 2018

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12 JAMES DONATO
13 United States District Judge
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27 _____
28 ² To the extent plaintiff seeks to have the case transferred to San Bernardino County Superior Court, he must raise that issue in state court.

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 SCOTT RICKS,
5 Plaintiff,
6 v.
7 M. VOONG,
8 Defendant.

Case No. [18-cv-01069-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 July 25, 2018, 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 Scott Ricks ID: V-35068
18 Salinas Valley State Prison
19 P.O. Box 1050
20 Soledad, CA 93960-1050

21 Dated: July 25, 2018

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