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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LORI A. DUTRA,

Plaintiff,

No. C 09-1113 PJH

v.

ORDER REMANDING CASE

SAN FRANCISCO POLICE
DEPARTMENT, et al.,

Defendants.

_____ /

Defendant having failed to establish that removal was proper based on federal question jurisdiction, the court finds that this action must be REMANDED to the Superior Court of California, County of San Francisco. The court notes, however, that plaintiff will be bound by her representation that the third cause of action for conspiracy to deprive plaintiff of civil rights is based on an underlying state law violation.

Because the remand is for lack of subject matter jurisdiction, the court finds it unnecessary to address plaintiff's motion to remand and motion for attorney's fees.

IT IS SO ORDERED.

Dated: April 2, 2009



PHYLLIS J. HAMILTON
United States District Judge