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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHANTAL RICKMAN,
Plaintiff,
v.
NDEX WEST LLC, et al.,
Defendants.

No. C-12-00146 DMR

**ORDER VACATING HEARING ON
PLAINTIFF’S MOTION FOR
PRELIMINARY INJUNCTION AND
DENYING PLAINTIFF’S MOTION TO
REMAND**

On January 17, 2012, Plaintiff Chantal Rickman filed a Motion for Preliminary Injunction, and noticed the motion for hearing on February 23, 2012. [Docket No. 7.] On February 7, 2012, Plaintiff filed a Motion to Remand the case to state court in which she stated she was contemporaneously filing a motion to amend her complaint and a proposed amended complaint. [Docket No. 22.] Plaintiff filed neither. In her reply brief on the Motion for Preliminary Injunction, also filed on February 7, 2012, Plaintiff now appears to request that the court continue the February 23, 2012 hearing on the Motion for Preliminary Injunction. [Docket No. 21.] Given that Plaintiff is now arguing that this case should be remanded to state court, the February 23, 2012 hearing on her Motion for Preliminary Injunction is VACATED.

In her Motion to Remand, Plaintiff argues that the requirements of diversity jurisdiction are not satisfied, and thus this court lacks subject matter jurisdiction over this matter. The court assumes that the amended complaint forms the basis for Plaintiff’s arguments regarding diversity

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jurisdiction, but as no amended complaint has been filed, the court cannot consider the Motion to Remand unless and until the amended complaint has been properly filed. Accordingly, Plaintiff's Motion to Remand is DENIED as premature.

IT IS SO ORDERED.

Dated: February 8, 2012

