

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
6 OAKLAND DIVISION  
7

8 PUBLIC STORAGE, a Maryland REIT  
9 qualified to do business in California,

10 Plaintiff,

11 vs.

12 DOROTHY SOBAYO; NATHANIEL  
13 SOBAYO; KINGSWAY CAPITAL-  
14 NATHANIEL BASOLA SOBAYO,

15 Defendants.

Case No: C 12-5263 SBA

**ORDER**

Docket 21

16 On January 15, 2013, the Court issued an order remanding this case to the San  
17 Mateo County Superior Court pursuant to 28 U.S.C. § 1447(c) due to a lack of subject  
18 matter jurisdiction. Dkt. 17. The remand order was mailed to the San Mateo County  
19 Superior Court on the same day, and this case was closed. Dkt. 17, 18. On January 29,  
20 2013, Defendants filed a motion "for order to set aside and stay proceedings to enforce  
21 fraudulently obtained order to remand notice of removal and counter complaint." Dkt. 21.  
22 In their motion, Defendants request the Court reconsider the remand order. Id.

23 When there is an absence of subject matter jurisdiction in a removed case, a district  
24 court must remand the case back to state court from which it was removed. See 28 U.S.C.  
25 § 1447(c). "A remand order returns the case to the state courts and the federal court has no  
26 power to retrieve it." Seedman v. U.S. Dist. Court for Cent. Dist. of California, 837 F.2d  
27 413, 414 (9th Cir. 1988). A district court has no power to correct or vacate a remand order  
28

1 based on § 1447(c). Id. "Once a district court certifies a remand order to state court it is  
2 divested of jurisdiction and can take no further action on the case." Id.

3 Accordingly,

4 IT IS HEREBY ORDERED THAT:

- 5 1. Defendants' motion is DENIED.
- 6 2. This Order terminates Docket 21.
- 7 3. This case remains closed.

8 IT IS SO ORDERED.

9 Dated: 2/12/13

10   
11 SAUNDRA BROWN ARMSSTRONG  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28