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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHORELINE ASSETS GROUP,

No. C-13-02657 DMR

Plaintiff(s),

ORDER TO SHOW CAUSE

v.

SOFIA G JOPILLO,

Defendant(s).

Defendant Sofia G. Jopillo (“Defendant”) removed this unlawful detainer action to federal court on June 10, 2013, alleging that this court had removal jurisdiction premised on 28 U.S.C. § 1332 (diversity jurisdiction), because the parties are citizens of different states and the amount in controversy exceeds \$75,000, and 28 U.S.C. § 1331 (federal question jurisdiction), because there are, inter alia, federal questions regarding Defendant’s due process rights under the Fourteenth Amendment to the United States Constitution. Notice of Removal [Docket No. 1] at 2-4.


On June 14, 2013, Plaintiff Shoreline Assets Group, LLC (“Plaintiff”) filed a motion to remand the case to the Superior Court of the State of California, San Mateo County, where it was originally filed. *See* Remand Motion [Docket No. 4.] According to Civil Local Rule 7-3, Defendant’s response to the Remand Motion was due on **June 28, 2013**. To date, Defendant has not filed a response to the Remand Motion.

1 On June 24, 2013, Defendant filed a Notice of Voluntary Dismissal Without Prejudice
2 Pursuant to Federal Rule of Civil Procedure 41(a)(1) (“Notice of Voluntary Dismissal”), stating that
3 Defendant “hereby dismiss[es] the Complaint in its entirety without prejudice pursuant to
4 Federal Rule of Civil Procedure 41(a)(1)” [Docket No. 5.]

5 Defendant may not voluntarily dismiss the action pursuant to Rule 41(a)(1) because the rule
6 provides only for voluntary dismissal by a plaintiff, not a defendant. Defendant is ordered to
7 respond to this order by **July 8, 2013** to show cause for her failure to respond to the Remand
8 Motion. In addition, Defendant must simultaneously (1) submit her opposition to the court or (2) file
9 a statement of non-opposition to the motion as required by Civil Local Rule 7-3(b). This order to
10 show cause does not indicate that the court will necessarily accept Defendant’s late submission(s), if
11 any. If Defendant does not respond to this order by July 8, 2013, Defendant’s Notice of Voluntary
12 Dismissal may be treated as a statement of nonopposition to the Remand Motion, and the Remand
13 Motion may be granted.

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15 IT IS SO ORDERED.

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17 Dated: July 2, 2013

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20 DONNA M. RYU
21 United States Magistrate Judge
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