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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROY M. BARTLETT,
Plaintiff,
v.
MARCI PATERA,
Defendant.

Case No. 17-cv-01943-HSG

**ORDER ADOPTING MAGISTRATE
JUDGE’S REPORT AND
RECOMMENDATION REGARDING
REMAND TO STATE COURT**

Re: Dkt. No. 12

The Court has reviewed Magistrate Judge Laporte’s Report and Recommendation remanding this action to state court. Dkt. No. 12. The Court finds the Report correct, well-reasoned and thorough, and adopts it in every respect.

To the extent that Plaintiff suggests in opposition that this case should fall within 28 U.S.C. § 1443(1)’s narrow exception to the well-pleaded complaint rule, *see* Dkt. No. 17, she has not made the requisite showing that she cannot adjudicate her claims in state court. *See Patel v. Del Taco, Inc.*, 446 F.3d 996, 999 (9th Cir. 2006) (finding that a defendant must support such an assertion “by reference to a state statute or a constitutional provision that purports to command the state courts to ignore the federal rights”); *Georgia v. Rachel*, 384 U.S. 780, 788–92 (1966) (holding that in the absence of a state statute or constitutional provision, a defendant must identify “an equivalent basis . . . or an equally firm prediction that the defendant would be ‘denied or cannot enforce’ the specified federal rights in the state court”); *cf. Yellow Freight Sys., Inc. v. Donnelly*, 494 U.S. 820, 823 (1990) (“Under our system of dual sovereignty, we have consistently held that state courts have inherent authority, and are thus presumptively competent, to adjudicate claims arising under the laws of the United States.”).


Accordingly, IT IS HEREBY ORDERED that this case is remanded to Contra Costa

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County Superior Court. The Clerk is directed to remand the case and close the file.

IT IS SO ORDERED.

Dated: 8/31/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge