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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAPHAEL STRICKER,
Plaintiff,
v.
SAMUEL SHOR, et al.,
Defendants.

Case No. 17-cv-03491-HSG

**ORDER DISMISSING CASE WITHOUT
PREJUDICE**

Re: Dkt. No. 35

On April 12, 2018, the Court dismissed all claims against Samuel Shor and Betty Maloney for lack of personal jurisdiction. Dkt. No. 35. The sole federal claim in this action, alleging copyright infringement, was brought only against Shor and Maloney, and the remaining parties agree that no federal claims remain in the case. Dkt. No. 38 at 2. It is also clear that there is not complete diversity among the parties, since plaintiff Stricker and defendant Buchman are both California residents. *Id.*

With no federal claim remaining in this suit, the court declines to exercise jurisdiction over Plaintiff’s state-law claims under 28 U.S.C. § 1367. *Sanford v. MemberWorks, Inc.*, 625 F.3d 550, 561 (9th Cir. 2010) (“[I]n the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under the pendent jurisdiction doctrine—judicial economy, convenience, fairness, and comity—will point toward declining to exercise jurisdiction over the remaining state-law claims.”) (quotation marks and citation omitted).

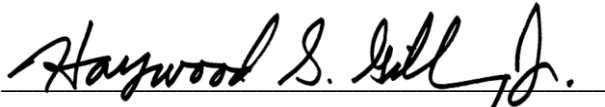
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The remaining claims are therefore dismissed without prejudice, and the Clerk is directed to close the file.¹

IT IS SO ORDERED.

Dated: 4/20/2018


HAYWOOD S. GILLIAM, JR.
United States District Judge

¹ The parties suggest that the remaining state law claims are subject to remand. Because the complaint was filed in federal court in the first instance, dismissal without prejudice is the appropriate course: a case cannot be remanded when it was never removed to this Court. *See Rivera v. Ndola Pharmacy Corp.*, 497 F. Supp. 2d 381, 385 (E.D.N.Y. 2007) (“Defendants curiously denominate their motion as one to remand; however, the Court cannot remand these claims because they were never removed from state court.”).