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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GLENN DOZIER, et al.,
Plaintiffs,
v.
SUTTER EAST BAY MEDICAL
FOUNDATION, et al.,
Defendants.

Case No. 17-cv-03652-PJH

**ORDER RE STIPULATION FOR
REMAND**

Re: Dkt. No. 51

The court is in receipt of the parties' joint stipulation to remand the above captioned case to Alameda County Superior Court. A district court is empowered to remand a case or claims to a state court only where that case was removed from state court pursuant to federal statute. See 28 U.S.C. § 1441 et seq. This case, however, was never removed from state court to federal court. Plaintiffs filed the complaint in this court on June 26, 2017. The court cannot send a case back to state court that never originated there. The court therefore DENIES the stipulation to remand.

Barring any statute of limitations or similar issues, if the parties would like to proceed in Alameda County Superior Court, plaintiffs may voluntarily dismiss this case without prejudice.

IT IS SO ORDERED.

Dated: October 20, 2017



PHYLLIS J. HAMILTON
United States District Judge