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**\*E-Filed: October 29, 2013\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ED SUMMERFIELD, ET AL.,

No. C09-02609 HRL

Plaintiffs,

**ORDER DENYING PLAINTIFFS’  
MOTION FOR REMAND TO STATE  
COURT**

v.

STRATEGIC LENDING CORP., ET AL.,

**[Re: Docket No. 138]**


Defendants.

\_\_\_\_\_/

Following the Court’s order denying plaintiffs’ motion for default judgment and closing the file, plaintiffs move for remand to state court. However, contrary to plaintiffs’ assertion, this action did not originate in state court and was not removed to federal court. *See* Dkt. 1, Ex. 1. “Since there was no removal from state court there can be no remand to that court.” *Julianites Against Shakedown Tactics v. Tejrr*, No. 05-CV-2353, 2007 WL 3490253, at \*4 (S.D. Cal. May 1, 2007) (quoting *Int’l Carrier-Call & Television Corp. v. Radio Corp. of Am.*, 50 F. Supp. 759, 759 (S.D.N.Y. 1943)). Accordingly, plaintiffs’ motion for remand is denied.

**IT IS SO ORDERED.**

Dated: October 29, 2013

  
\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

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