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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN JOSE DIVISION
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10 SHANNON McFARLAND, 11 12 Plaintiff, 13 v. 14 COUNTY OF SANTA CRUZ, SHERIFF 15 PHIL WOWAK, OFFICER WILLIAM 16 GAZZA, OFFICER CHRISTOPHER 17 HANKES, OFFICER JOHN HABERMEHL, 18 BRUCE MCFARLAND, and DOES 1-99, 19 inclusive, 20 Defendants.	Case No. C-12-01727 RMW ORDER GRANTING PLAINTIFF'S MOTION TO REMAND Re: Docket Nos. 42 and 43
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21 Plaintiff Shannon McFarland moves the court for an order remanding this action to state
22 court on the basis that only state law claims remain against California resident Bruce McFarland.
23 Dkt. No. 42. Plaintiff also moves for an order shortening time for hearing her motion to remand on
24 the basis that the parties will suffer prejudice preparing for trial in this court if the court ultimately
25 remands. Dkt. No. 43. Defendant opposes plaintiff's motion to remand on the basis that this court
26 has already set a trial date, and he will be prejudiced by having to wait for the state court to resolve
27 the issue. *See* Dkt. No. 48.

28 Having reviewed the record in this case, the papers submitted by the parties, and for the
reasons set forth below, the court grants plaintiff's motions. Remand is proper because no federal

REMAND ORDER
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1 question remains in this case and the court lacks subject matter jurisdiction. 28 U.S.C. § 1447(c).
2 Although the court has set a trial date, the court has done nothing substantive with respect to the
3 state law issue in this case and concludes that it would be improper to retain jurisdiction over
4 plaintiff's state law claim where no diversity exists.

5 Because both parties will benefit from an expedient order on plaintiff's motion to remand, the
6 court deems this motion proper for a decision without a hearing, *see* Civ. L.R. 7-1(b), and GRANTS
7 plaintiff's motion to remand on the papers.

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10 Dated: May 13, 2013



Ronald M. Whyte
United States District Court Judge