

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NOREEN CARDINALE,	)	Case No.: 12-05078-LHK
	)	
Plaintiff,	)	
v.	)	ORDER TRANSFERRING CASE
	)	
DANIEL R. MILLER JR.; PATRICE MILLER;	)	
DANIEL R. MILLER SR.; PASHLIN INC.;	)	
DERALD R. KENOYER; KEITH CHARLES	)	
KNAPP; HOME LOAN SERVICES	)	
CORPORATION dba CALIFORNIA HOME	)	
LOANS; and DOES 1 through 100, inclusive,	)	
	)	
Defendants.	)	

On September 28, 2012, Defendant Keith Charles Knapp (“Knapp”) filed a Notice of Removal from Contra Costa County Superior Court. ECF No. 1. However, 28 U.S.C. § 1446(a) requires that a defendant “desiring to remove any civil action from a State court shall file in the district court of the United States for the district *and division* within which such action is pending a notice of removal. . . .” (emphasis added). As explained in Civil Local Rule 3-2(d), Contra Costa County corresponds to the Oakland division of the Northern District of California, not the San Jose division. Knapp argues in his notice of removal that because the Plan at issue in this lawsuit is housed in and administered from San Jose, the action is properly removed here. While it may be that the action could properly have been filed in this division as an original matter, 28 U.S.C. § 1446(a) clearly requires that removal be to the division within which the existing state court action

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is pending. Accordingly, removal from Contra Costa County Superior Court to the San Jose division is improper. The Court hereby orders this case TRANSFERRED to the Oakland division.

**IT IS SO ORDERED.**

Dated: October 9, 2012

  
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LUCY H. KOH  
United States District Judge