

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEUTSCHE BANK NATIONAL
TRUSTEE COMPANY AS TRUSTEE
FOR THE HARBORVIEW
MORTGAGE LOAN TRUST 2007-
CHARLIE CHIANG,

Plaintiff,

v.

WILLIAM CUTLIP,

Defendant.

Case No. 17-cv-02214 NC

**NOTICE OF DEFICIENCIES IN
REMOVAL NOTICE; REERRAL TO
DETERMINE RELATEDNESS TO
PRIOR CASES; AND REQUEST FOR
REASSIGNMENT DUE TO
DECLINATION OF JURISDICTION
OF A MAGISTRATE JUDGE**

Re: Dkt. No. 1

Defendant William Cutlip has again removed this unlawful detainer case to this federal court from Santa Clara County Superior Court. Dkt. No. 1; Apr. 20, 2017 Notice of Removal. Prior proceedings between the Cutlips and Deutsche Bank are set forth in case numbers 17-1416 BLF, 15-1345 BLF, 16-4255 BLF, 16-3612 BLF, 15-271 BLF, 16-7148 LHK, and 15-1345 BLF. Most recently, on April 4, 2017, in case 17-1416 BLF, District Court Judge Beth Labson Freeman remanded this action to Santa Clara County Superior Court and admonished defendants that “continued attempts to remove this matter may result in sanctions.”

This order first alerts William Cutlip to several deficiencies in the removal notice. First, under 28 U.S.C. § 1446(a), the removing defendant “shall file” with the removal notice “a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.” Here, Cutlip has not filed “a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.” Cutlip must do so by

Case No.17-cv-02214 NC

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May 8, 2017, or the case will be remanded to Superior Court for failure to comply with § 1446(a). Second, Cutlip’s Application to Proceed in Forma Pauperis, Dkt. No. 2, is incomplete. Again, Cutlip must correct this deficiency by filing a completed Application by May 8, 2017.

The Cutlips have previously declined the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c) in this case (16-7148 LHK Dkt., No. 20), so the Clerk of Court is asked to randomly reassign this case to a District Court Judge in the San Jose venue.

Finally, the undersigned refers this case to District Court Judge Freeman for her to determine under Civil Local Rule 3-12 whether this newly numbered case, 17-2214, should be deemed “related” to case 17-1416 and/or the previous iterations of this case. She too will be in the best position to determine whether the Cutlips should be sanctioned for violating her April 4 order.

IT IS SO ORDERED.

Dated: April 25, 2017



NATHANAEL M. COUSINS
United States Magistrate Judge