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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

EMMANUEL ADEBAYO,

Plaintiff,

v.

METROPOLITAN TRANSIT SYSTEM;  
SAN DIEGO TROLLEY, INC.;  
ANTHONY PRAY; P.A. PARKER;  
MICHAEL VACCARIELLO; J. DURAN;  
and DOES 1 through 30, inclusive ;

Defendants.

Civil No. 07cv1661-L(CAB)

**ORDER REMANDING ACTION TO  
STATE COURT**

On August 30, 2007, Defendants Metropolitan Transit System and San Diego Trolley, Inc. filed a notice of removal. 28 U.S.C. § 1446 “requires all proper defendants to join or consent to the removal notice.” *Prize Frize, Inc. v. Matrix (U.S.) Inc.*, 167 F.3d 1261, 1266 (9th Cir. 1999). Only Defendants Metropolitan Transit System and San Diego Trolley, Inc. joined in the removal. They provide no explanation regarding the status of the other three named Defendants’ consent. “Where fewer than all the defendants have joined in a removal action, the removing party has the burden under section 1446(a) to explain affirmatively the absence of any co-defendants in the notice for removal.” *Id.* The removing parties have not done so in this

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1 case. For failure to timely comply with the procedural requirements of removal, this action is  
2 **REMANDED** to state court.

3 **IT IS SO ORDERED.**

4 DATED: September 4, 2007

5   
6 M. James Lorenz  
United States District Court Judge

7 COPY TO:

8 HON. CATHY ANN BENCIVENGO  
UNITED STATES MAGISTRATE JUDGE

9 ALL PARTIES/COUNSEL  
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