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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ALVIN HENNINGTON, JR.,
Plaintiff,
v.
THE RESIDENTS OF 5170
CLAIRMONT MESA BLVD UNITS 9
AND 22, 8, et. al.,
Defendants.

Civil No. 08cv2414 JAH (LSP)
**ORDER REMANDING ACTION
TO STATE COURT**

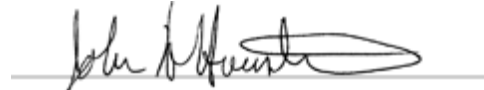
Plaintiff Alvin Hennington, Jr. originally filed a complaint in California Superior Court for damages against the Federal Bureau of Investigation (“FBI”)and the residents of 5170 Clairemont Mesa Boulevard units 9, 22, and 8. Plaintiff alleges the defendants have committed torture, defamation, conflict of interest, emasculation, malicious prosecution, demoralization, and other various torts. On December 30, 2008, Defendant FBI filed a notice of removal asserting removal was proper under 28 U.S.C. section 1441, 1442 and 1446, because Plaintiff named the FBI, an agency of the United States, as a defendant. On February 27, 2009, Defendant FBI filed a motion to dismiss and a motion for sanctions. See Doc. No. 9. Thereafter, Plaintiff voluntarily dismissed the FBI from the action. See Doc. No. 19.

It’s within the Court’s discretion whether to hear the remaining claims or remand the matter, once the basis for removal jurisdiction is dropped. See Swett v. Schenk, 792 F.2d 1447, 1450 (9th Cir. 1986). Plaintiff seeks relief for various torts, and asserts no

1 federal claims and names no other federal parties. The Court finds it appropriate to
2 remand the action.

3 Accordingly, **IT IS HEREBY ORDERED** the instant action is *sua sponte*
4 REMANDED back to the state court for all further proceedings.

5 DATED: September 14, 2010

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7 JOHN A. HOUSTON
8 United States District Judge
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