

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ALDRICH SUPPLY CO., INC.,

vs.
SOIL RETENTION SYSTEMS, INC.,
UNITED STATES NAVY, NOVA GROUP,
INC., and UNDERGROUND
CONSTRUCTION CO.,

Defendants.

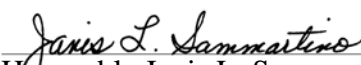
CASE NO. 10CV1641 JLS (WVG)

**ORDER SUA SPONTE
REMANDING CASE**

On June 14, 2010, Plaintiff initiated a small claims action against the United States Navy and several other parties. Approximately two months later, the Navy removed the case pursuant to 28 U.S.C. § 1442(a)(1). (Doc. No. 1.) The Court then dismissed without prejudice Plaintiff’s complaint against the Navy. (Doc. No. 17.) Plaintiff was given an opportunity to amend its complaint as to the Navy, but failed to do so within the allotted time. With the federal party eliminated from the suit, this Court declines to retain jurisdiction over the non-federal parties. *See District of Columbia v. Merit Systems Protection Bd.*, 762 F.2d 129, 133 (D.C. Cir. 1985); *IMFC Prof. Services of Florida, Inc. v. Latin American Home Health, Inc.*, 676 F.2d 152, 160 (5th Cir. 1982). The matter is **REMANDED** to San Diego Superior Court.

IT IS SO ORDERED.

DATED: January 4, 2011


Honorable Janis L. Sammartino
United States District Judge