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

EDWARD ENWRIGHT, an individual;
and MELISSA ENWRIGHT, an
individual,

Plaintiffs,

v.

JON MILLER REALTY, INC., a
California Corporation; et al.,

Defendants.

Case No.: 3: 18-cv-0072-H-NLS

ORDER:

**(1) GRANTING JOINT MOTION TO
REMAND REMOVED ACTION; and**

[Doc. No. 10]

**(2) DENYING AS MOOT
DEFENDANTS' MOTION TO
DISMISS AND MOTION TO STRIKE**

[Doc. Nos. 2, 3]

On January 11, 2018, Defendants removed this action to federal court. (Doc. No. 1.)
On January 18, 2018, Defendants Kathleen Schaeffer and Paul Schaeffer filed a motion to
dismiss and a motion to strike. (Doc. Nos. 2, 3.) On February 2, 2018, the parties filed a
joint motion to remand removed action to San Diego County Superior Court. (Doc. No.
10.) The parties have agreed that Plaintiffs will dismiss their federal Fair Housing Act
claims without prejudice and that Defendants will stipulate to remand. (Id.) The parties

1 also agree that, if Plaintiffs re-allege a cause of action arising out of the Fair Housing Act,
2 this Court will have original jurisdiction. (Id.) Exercising its sound discretion, the Court
3 **GRANTS** the motion to remand. Additionally, the Court **DENIES** as moot the motion to
4 dismiss and the motion to strike. (Doc. Nos. 2, 3.) The Clerk is directed to close the case.

5 **IT IS SO ORDERED.**

6 DATED: February 7, 2018

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8 MARILYN L. HUFF, District Judge
9 UNITED STATES DISTRICT COURT
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