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

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| JOSE AGUILAR, et al., Plaintiffs, v. CHULA VISTA POLICE DEPARTMENT CHULA VISTA CITY, et al., Defendants. |
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Case No.: 18cv998-MMA (NLS)

**ORDER REMANDING CASE FOR
LACK OF SUBJECT MATTER
JURISDICTION**

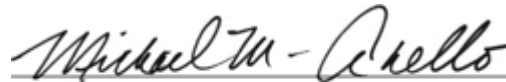
[Doc. No. 3]

On November 15, 2017, Plaintiffs Jose Aguilar, Mason Saurer, Isabella Aguilar, a minor by and through her guardian ad litem Jose Aguilar Sr., filed the present action in California Superior Court against Defendants Chula Vista Police Department Chula Vista City, and Police Chief Roxana Kennedy. Doc. No. 1-2. On May 18, 2018, Defendants removed this action to federal court, invoking federal question jurisdiction under 28 U.S.C. § 1331. Doc. No. 1. On May 21, 2018, the Court ordered the parties to show cause why the action should not be remanded to state court for lack of subject matter jurisdiction. Doc. No. 3. Defendants filed a response asserting the same arguments raised in their notice of removal, but stated that “[i]f Plaintiffs’ intention is to bring only state based claims . . . Defendants would . . . agree and concede that this Court lacks jurisdiction” Doc. No. 4 at 6. Plaintiffs’ response indicates that “only California

1 state law is asserted and applies in this case.” Doc. No. 5. As such, this Court lacks
2 subject matter jurisdiction. Accordingly, the Court **REMANDS** this action to San Diego
3 Superior Court for lack of federal subject matter jurisdiction. *See* 28 U.S.C. § 1447(c) (“If
4 at any time before final judgment it appears that the district court lacks subject matter
5 jurisdiction, the case shall be remanded.”). The Clerk of Court is instructed to close this
6 case.

7 **IT IS SO ORDERED.**

8 Dated: June 5, 2018



Hon. Michael M. Anello
United States District Judge

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