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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JULIE YOUNG,

Plaintiff,

v.

THE CITY OF FERNLEY, individually,
SCOTT HUNTLEY, NORTH LYON
COUNTY FIRE DISTRICT, individually,
WILLIAM SHATTUCK, CITY PLANNING
COMMISSIONER, and Mortgage Broker at
Community Home Mortgage, individually,

Defendants.

Case No. 3:17-cv-00156-MMD-VPC

ORDER

Before the Court is Defendants North Lyon County Fire Protection District and Scott Huntley's (collectively referred to as "NLCFPD") Motion to Remand ("Motion"). (ECF No. 5.)

The complaint was filed in the Third Judicial District Court in the County of Lyon on February 14, 2017. (ECF No. 1 at 6.) Defendant the City of Fernley ("Fernley") was served on February 21, 2017, and timely filed the petition for removal on March 13, 2017, pursuant to 28 U.S.C. § 1331. (ECF No. 1 at 2.)


NLCFPD seeks to remand under 28 U.S.C. § 1447, arguing that the removal was defective because they were served at the time of removal and did not join in or consent to removal. Under 28 U.S.C. § 1441, defendants may remove a civil action brought in state court to federal court if the federal district courts have original jurisdiction. However, "when a civil action is removed solely under section 1441(a), all defendants who have

1 been properly joined and served must join in or consent to the removal of the action.” 28
2 U.S.C. § 1446(a)(2)(A).

3 While Fernley filed the petition for removal, Fernley does not oppose remand. (ECF
4 No. 8.) Plaintiff did not file a response to the Motion. Accordingly, the unopposed motion
5 to remand will be granted. See LR 7-2(d).

6 It is ordered that Defendants’ Motion to Remand (ECF No. 5) is granted. This case
7 is remanded to the Third Judicial District Court in the County of Lyon

8 DATED THIS 8th day of June 2017.

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12 MIRANDA M. DU
13 UNITED STATES DISTRICT JUDGE
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