

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 DAVID GOLDEN, (alias G. JEREMY
10 THUNDERCLOUD, JOHNY BIGFISH), an
11 individual,

12 Plaintiff,

13 v.

14 WASHINGTON STATE DEPARTMENT OF
15 TRANSPORTATION, *et al.*,

16 Defendants.

Case No. C17-1877RSL

ORDER OF REMAND

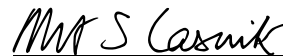
17 This matter comes before the Court sua sponte. The Court recently dismissed all claims
18 against the federal defendants and Sinclair Broadcast Group, Inc. Neither the complaint nor the
19 remainder of the record suggests that there is a federal defendant, a federal claim, or diversity of
20 citizenship between or among the remaining parties. Although the existence of removal
21 jurisdiction is determined at the time of removal (Abada v. Charles Schwab & Co., Inc., 300
22 F.3d 1112, 1117 (9th Cir. 2002)) and the subsequent narrowing of the parties or issues to
23 exclude all federal interests does not strip the federal court of jurisdiction that was properly
24 exerted at the outset (Harper v. AutoAlliance Int'l, Inc., 392 F.3d 195, 210-11 (6th Cir. 2004)),
25 the Court finds that remand is appropriate in this case. A removal under 28 U.S.C. § 1442 gives
26 rise to ancillary jurisdiction over the non-federal aspects of the case and “confers discretion on
27 the district court to decline to exercise continued jurisdiction over [plaintiff’s] claim once [the
28 federal defendant] dropped out of the case.” IMFC Prof’l Servs. of Fla., Inc. v. Latin Am. Home

ORDER OF REMAND - 1

1 Health, Inc., 676 F.2d 152, 160 (5th Cir. 1982). In addition, “[t]he district court may decline to
2 exercise supplemental jurisdiction over a claim . . . if . . . the district court has dismissed all
3 claims over which it has original jurisdiction.” 28 U.S.C. § 1367(c). Given the early elimination
4 of the claims against the federal defendants and the apparent lack of federal claims or diversity
5 jurisdiction following dismissal of Sinclair Broadcast Group, the Court finds that remand of the
6 remaining state law issues is appropriate.

7
8 The Clerk of Court is directed to remand this matter to King County Superior Court.

9
10 Dated this 8th day of February, 2018.

11
12 
13 Robert S. Lasnik
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28