

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Austin v. Kemper Corporation

Austin · No. 25-cv-07194-JST · Decided September 16, 2025

SUMMARY

The court directed the Clerk to close Case No. 25-cv-07367 after Kemper stated that it no longer believed removal was proper. The court also terminated as moot Austin’s motion to consolidate that case with Case No. 25-cv-07194.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
GEORGE JARVIS AUSTIN, Case No. 25-cv-07194-JST 8 Plaintiff, ORDER CLOSING CASE
NO. 25-cv- 07367 AND TERMINATING MOTION 9 v. IN CASE NO. 25-cv-07194 10
KEMPER CORPORATION, Re: ECF No. 34 Defendant. 11 12 GEORGE JARVIS AUSTIN,
Case No. 25-cv-07367-JST 13 Plaintiff, 14 v. 15 KEMPER CORPORATION (INSURANCE), 16
Defendant.

17 18 19 In Case No. 25-cv-07367, the Court ordered Defendant Kemper Insurance Corporation
to 20 “file either (1) a brief that sets forth authority for concluding that the case was remanded and
21 therefore subject to removal or (2) a statement that it no longer believes that removal was
proper.” 22 No. 25-cv-07367, ECF No. 20 at 1. Kemper has now filed a response stating that it
“no longer 23 believes that removal was proper.

See Allstate Ins. Co. v. Superior Court, 132 Cal. App. 3d 670 24 (1982) (dismissal of federal
action without remand terminates the action, leaving the state court 25 without jurisdiction to
resume proceedings).” No. 25-cv-07367, ECF No. 22 at 1.

The Clerk is 26 therefore directed to close Case No. 25-cv-07367 as having been improperly
removed. 27 In Case No. 25-cv-07194, Plaintiff George Jarvis Austin has filed a motion to
consolidate 1 No. 25-cv-07194, ECF No. 34.

Because Case No. 25-cv-07367 has now been closed, the Court 2 terminates Austin’s motion as
moot. 3 IT IS SO ORDERED. 4 Dated: September 16, 2025. es 5 JON S. TIG 6 United States
District Judge 7 8 9 10 ll a 12 13 14 15 16 € = 17 Zz 18 19 20 21 22 23 24 25 26 27 28