

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mitchell v. Rutaganira

Mitchell · No. 2:24-cv-02294-TLN-CSK · Decided May 30, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Thomas Rutaganira’s motion to remand an action removed by Krista Mitchell. The court held that Mitchell, who was the original state-court plaintiff and a cross-defendant, was not authorized to remove the action, and that the pleadings raised only state-law claims. The court also awarded Rutaganira \$1,785 in attorney’s fees under 28 U.S.C. § 1447(c) and remanded the case to Yolo County Superior Court.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 30, 2025
DOCKET	2:24-cv-02294-TLN-CSK
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant Thomas Rutaganira moved to remand an action removed by Plaintiff Krista Mitchell from California state court. The federal district court granted the motion, remanded the action to Yolo County Superior Court, and awarded Rutaganira \$1,785 in attorney fees under 28 U.S.C. § 1447(c).
STANDARD OF REVIEW	Removal statutes are strictly construed against removal jurisdiction, and the removing party bears the burden of establishing federal jurisdiction. Subject-matter jurisdiction may be considered at any time, and an action lacking such jurisdiction must be remanded.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Krista Mitchell v. Thomas F. Rutaganira

TOPICS

- subject matter jurisdiction
- civil procedure
- attorney fees
- default judgment

PRACTICE AREAS

civil procedure

federal jurisdiction

removal and remand

attorney fees

civil rights

QUESTIONS PRESENTED

1. Whether a plaintiff who became a cross-defendant could remove the state-court action to federal court.
2. Whether the pleadings presented a federal question sufficient to support federal-question jurisdiction.
3. Whether Rutaganira was entitled to attorney fees and costs under 28 U.S.C. § 1447(c).

HOLDINGS

1. Mitchell was not entitled to remove the action because the right of removal is vested in the defendant or defendants, and a plaintiff who is also a cross-defendant may not remove the action.
2. Federal-question jurisdiction did not exist because Mitchell's complaint and Rutaganira's cross-complaint asserted only state-law claims, and a federal issue raised by a defense, cross-claim, or challenge to a state-court order cannot establish jurisdiction under the well-pleaded complaint rule.
3. Rutaganira was entitled to \$1,785 in attorney fees because Mitchell lacked an objectively reasonable basis for removal.

KEY QUOTATIONS

“Put simply, a plaintiff “cannot remove an action to federal court.”” (Opinion at 1)

“The “presence or absence of federal question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.”” (Opinion at 2)

“Absent unusual circumstances, courts may award attorney’s fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal.” (Opinion at 3)

FACTUAL BACKGROUND

Mitchell originally sued in California state court under California law. Rutaganira asserted only state-law cross-claims for breach of contract, breach of the implied covenant of good faith and fair dealing, and negligence. After the state court issued a tentative ruling imposing terminating sanctions against Mitchell and her counsel, Mitchell removed the action, alleging that the ruling violated the Americans with Disabilities Act. The pleadings themselves presented no federal question.

PROCEDURAL HISTORY

Mitchell filed a state-court complaint alleging unlawful menacing influence under California Civil Code § 1940.2(a)(3). Rutaganira filed a state-law cross-complaint for breach of contract, breach of the implied covenant of good faith and fair dealing, and negligence, after which Mitchell dismissed her complaint. Following a state-court tentative ruling striking Mitchell's answer and imposing terminating sanctions, Mitchell removed the action under 28 U.S.C. § 1446(b)(3), asserting that the ruling discriminated against her based on disability. The federal court held removal improper, granted remand, awarded attorney fees, and closed the case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to Yolo County Superior Court. The Clerk was directed to close the federal case. Rutaganira was awarded \$1,785 in attorney fees under 28 U.S.C. § 1447(c).

CASES CITED

- *Progressive W. Ins. Co. v. Preciado*, 479 F.3d 1014, 1017 (9th Cir. 2007)
- *Westwood Apex v. Contreras*, 644 F.3d 799, 805 (9th Cir. 2011)
- *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (per curiam)
- *Cal. ex rel. Lockyer v. Dynegy, Inc.*, 375 F.3d 831, 838, as amended, 387 F.3d 966 (9th Cir. 2004), cert. denied, 544 U.S. 974 (2005)
- *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 386 (1987)
- *Vaden v. Discover Bank*, 556 U.S. 49 (2009)
- *Hunter v. Philip Morris USA*, 582 F.3d 1039, 1042-43 (9th Cir. 2009)
- *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005)