

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Thompson v. State of California

Thompson · No. 2:24-cv-3389-SCR · Decided February 28, 2025

SUMMARY

The court recommends granting the plaintiff’s motion to remand after the operative amended complaint removed the only federal cause of action and left only state-law claims. The order also denies as moot the defendants’ request for clarification regarding screening and directs assignment to a district judge.

OPINION

(PC) Thompson v. State of California

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 CELISSE THOMPSON, No. 2:24-cv-3389-SCR

12 Plaintiff,

13 v. ORDER AND FINDINGS AND

RECOMMENDATIONS

14 STATE OF CALIFORNIA, et al., 15 Defendants. 16 17 Plaintiff is a former state prisoner proceeding through counsel in this civil action removed 18 from the Sacramento County Superior Court on December 4, 2024. Plaintiff filed a first amended 19 complaint on December 27, 2024 which is now the operative pleading before the court. Since the 20 first amended complaint contains only state law causes of action, plaintiff filed a motion to 21 remand this matter to the Sacramento County Superior Court. ECF No. 7. Defendants filed a 22 statement of non-opposition to the motion to remand. ECF No. 8. 23 The undersigned finds that a remand to the state court is warranted in this case because 24 plaintiff deleted her only federal cause of action from the first amended complaint. As a result, 25 this court lost supplemental jurisdiction over the state law claims which should be returned to 26 state court. Royal Canin U.S.A., Inc. v. Wulfschleger, et al., 604 U.S. 22 (2025). It is therefore 27 recommended that plaintiff’s motion to remand be granted. 28] Accordingly, IT IS HEREBY ORDERED that: 2 1. The Clerk of Court randomly assign this matter to a district judge. 3 2. Defendants’ request for clarification regarding screening of the complaint (ECF No. 3) 4 | is denied as moot based on the recommendations contained herein. 5 IT

IS FURTHER RECOMMENDED that: 6 1. Plaintiff's motion to remand (ECF No. 7) be granted.
7 2. This case be remanded to the Sacramento County Superior Court. 8 3. The Clerk of Court be
directed to send a certified copy of this order to the Sacramento 9 || County Superior Court and to
close the case. 10 These findings and recommendations are submitted to the United States District
Judge 11 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
one days 12 | after being served with these findings and recommendations, any party may file
written 13 | objections with the court and serve a copy on all parties. Such a document should be
captioned 14 | "Objections to Magistrate Judge's Findings and Recommendations." Any response
to the 15 || objections shall be served and filed within fourteen days after service of the objections.
The 16 | parties are advised that failure to file objections within the specified time may waive the
right to 17 || appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). 18 |
DATED: February 28, 2025 19 20 Kink

21 SEAN C. RIORDAN

UNITED STATES MAGISTRATE JUDGE

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