

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Bosco Credit, LLC v. Wilton Short, et al.

Bosco Credit · No. 25-cv-05489-RFL · Decided November 24, 2025

SUMMARY

The United States District Court for the Northern District of California remanded the removed action to Contra Costa County Superior Court for lack of subject matter jurisdiction. The court held that the defendant’s proposed cross-complaint could not establish federal jurisdiction and denied the defendant’s pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Rita F. Lin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 24, 2025
DOCKET	25-cv-05489-RFL
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant Wilton Short removed the action from Contra Costa County Superior Court. The federal court issued an order to show cause concerning subject matter jurisdiction and then remanded the case.
STANDARD OF REVIEW	The federal court independently examined whether subject matter jurisdiction existed over the removed action.
PRECEDENTIAL VALUE	Unknown
PARTIES	Wilton Short v. Bosco Credit, LLC

TOPICS

- subject matter jurisdiction
- civil procedure
- pleadings
- default judgment

PRACTICE AREAS

- Civil procedure
- Federal jurisdiction
- Removal and remand

QUESTIONS PRESENTED

1. Whether the federal court had subject matter jurisdiction over the removed state-court action.
2. Whether a defendant's proposed cross-complaint could provide a basis for federal-question jurisdiction.
3. Whether the federal court could dismiss claims on the merits or enter default judgment when subject matter jurisdiction was absent.

HOLDINGS

1. Because the removed action lacked subject matter jurisdiction, remand was the only available remedy.
2. A cross-complaint cannot provide the basis for federal-question jurisdiction in this removed action; the plaintiff's complaint is the only pleading that can properly provide grounds for removal.
3. The court lacked authority to dismiss claims on the merits or enter default judgment for either party when subject matter jurisdiction was absent.
4. Short could not voluntarily dismiss Tina Short because Short was not the plaintiff in the action.

KEY QUOTATIONS

“because there is no subject matter jurisdiction over this removed action, the only available remedy is remand”

“Plaintiff Bosco’s “complaint, [is] the only pleading that can properly provide grounds for removal in this case.””

FACTUAL BACKGROUND

Bosco Credit filed an action in Contra Costa County Superior Court, which defendant Wilton Short removed to federal court. Short proposed a cross-complaint and sought dismissal and default judgment, but the court determined that the complaint did not establish federal subject matter jurisdiction and that the proposed cross-complaint could not supply it.

PROCEDURAL HISTORY

Short, appearing pro se, removed Bosco Credit's state-court action to federal court and moved to proceed in forma pauperis. After the court issued an order to show cause regarding the absence of subject matter jurisdiction, Short sought dismissal, default judgment, dismissal of a co-defendant, and leave to file a cross-complaint, but did not establish federal jurisdiction. The court remanded the action to Contra Costa County Superior Court and denied the pending motions as moot.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case is remanded to Contra Costa County Superior Court. Short's pending motions are denied as moot, and the order to show cause is discharged.

CASES CITED

- Kelkris Assocs., Inc. v. Devlin, No. 15-cv-00582-WHA, 2015 WL 1516898, at *1 (N.D. Cal. Apr. 1, 2015)
- K2 America Corp. v. Roland Oil & Gas, LLC, 653 F.3d 1024, 1029 (9th Cir. 2011)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA BOSCO CREDIT, LLC, Case No. 25-cv-05489-RFL Plaintiff, ORDER REMANDING CASE v. Re: Dkt. Nos. 2, 12, 16, 20, 22 WILTON SHORT, et al., Defendants. Defendant Wilton Short, who is representing himself, removed this action from Contra Costa County Superior Court. (Dkt. No. 1.) Short has filed a motion to proceed in forma pauperis (Dkt.

No. 2), which is GRANTED. On September 10, 2025, the Court issued an Order to Show Cause why the case should not be remanded for lack of subject matter jurisdiction. (Dkt. No. 12 (“OSC”).) In response, Short sought dismissal of the action and of his co-Defendant, default judgment in his favor, and leave to file a cross-complaint, and did not address the lack of subject matter jurisdiction described in the OSC.

(Dkt. Nos. 14, 16–20, 22.) However, because there is no subject matter jurisdiction over this removed action, the only available remedy is remand, and the Court has no authority to dismiss claims on the merits or enter default judgment in either party’s favor.¹ With respect to Short’s proposed cross-complaint (Dkt. No. 16-1), the claims asserted there cannot create subject matter jurisdiction over this action.

Plaintiff Bosco’s “complaint, [is] the only pleading that can properly provide grounds for removal in this case.” Kelkris Assocs., Inc. v. 1 Short also may not voluntarily dismiss Defendant Tina Short (Dkt. No. 19), because Short is not the plaintiff in this action. See Fed. R. Civ. P. 41(a)(1). Devlin, No. 15-cv-00582-WHA, 2015 WL 1516898, at *1 (N.D. Cal. Apr.

1, 2015) (holding that a “cross-complaint cannot provide the basis for federal-question jurisdiction”); see also K2 America Corp. v. Roland Oil & Gas, LLC, 653 F.3d 1024, 1029 (9th Cir. 2011) (“Federal jurisdiction cannot hinge upon defenses or counterclaims, whether actual or anticipated.”).

For the reasons stated in this Order and in the OSC, this case is remanded to Contra Costa County Superior Court. Short’s pending motions (Dkt. Nos. 16, 20, 22) are DENIED AS MOOT. The Order to Show Cause is DISCHARGED. IT IS SO ORDERED. Dated: November 24, 2025 RITA F. LIN United States District Judge