

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

State of California v. Susan Brashear Anthony

State of California v. Anthony · No. 2:25-cv-02247-TLN-AC · Decided August 14, 2025

SUMMARY

The United States District Court for the Eastern District of California remanded a California criminal prosecution to Solano County Superior Court. The court held that Susan Brashear Anthony’s notice of removal was untimely under 28 U.S.C. § 1455(b)(1) and failed to establish a valid basis for federal removal under 28 U.S.C. §§ 1442, 1442a, or 1443.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 STATE OF CALIFORNIA, 12 Plaintiff, No. 2:25-cv-02247-TLN-AC 13 v.
14 SUSAN BRASHEAR ANTHONY, ORDER 15 Defendant. 16 17 This matter is before the
Court pursuant to Defendant Susan Brashear Anthony’s 18 (“Defendant”) Notice of Removal.
(ECF No. 1.)

For the reasons set forth below, the Court 19 hereby REMANDS the action to Solano County
Superior Court. 20 On June 16, 2025, Defendant was arraigned in Solano County Superior Court
on a charge 21 of Cruelty to Animal in violation of Penal Code 597(b). (ECF No. 1 at 4, 33.)

On August 8, 22 2025, Defendant filed a Notice of Removal pursuant to 28 U.S.C. § 1455 (“§
1455”). (ECF No. 23 1.) 24 Section 1455(a) authorizes a defendant in a criminal prosecution in a
state court to “file in 25 the district court of the United States for the district and division within
which such prosecution is 26 pending a notice of removal signed pursuant to Rule 11 of the
Federal Rules of Civil Procedure 27 and containing a short and plain statement of the grounds for
removal, together with a copy of all 28 process, pleadings, and orders served upon such defendant
or defendants in such action.” 28 1 U.S.C. § 1455(a).

Section 1455(b) imposes two requirements on defendants removing criminal 2 prosecutions: 3 (1)
A notice of removal of a criminal prosecution shall be filed not later than 30 days after the
arraignment in the State court, or at any 4 time before trial, whichever is earlier, except that for
good cause shown the United States district court may enter an order granting 5 the defendant or
defendants leave to file the notice at a later time.

6 (2) A notice of removal of a criminal prosecution shall include all grounds for such removal. A
failure to state grounds that exist at the 7 time of the filing of the notice shall constitute a waiver

of such grounds, and a second notice may be filed only on grounds not existing at the time of the original notice.

For good cause shown, the United States district court may grant relief from the limitations of this paragraph. 28 U.S.C. § 1455(b)(1)-(2). A “defendant seeking removal has the burden to establish that removal is proper and any doubt is resolved against removability.” *Hawaii ex rel. Louie v. HSBC Bank Nevada, N.A.*, 761 F.3d 1027, 1034 (9th Cir. 2014) (quoting *Luther v. Countrywide Home Loans Servicing LP*, 533 F.3d 1031, 1034 (9th Cir.

2008)). As an initial matter, Defendant was arraigned on June 16, 2025, and filed her notice of removal on August 8, 2025. Accordingly, removal is untimely under § 1455(b)(1). Moreover, Defendant has not articulated a legitimate ground for removal as required by § 1455(b)(2). Removal of state court criminal actions is authorized under 28 U.S.C. § 1442 (“Federal Officers or Agencies Sued or Prosecuted”), § 1442a (“Members of Armed Forces Sued or Prosecuted”), and § 1443 (“Civil Rights Cases”).

Sections 1442 and 1442a are inapplicable because Defendant does not allege that she is a federal officer or a member of the armed forces who is being prosecuted for an act done under color of the office. Further, Defendant does not cite § 1443 or claim that the state court will not enforce “rights that are given to [her] by explicit statutory enactment protecting equal racial civil rights” with support “by reference to a state statute or a constitutional provision that purports to command the state courts to ignore the federal rights.” *People of State of Cal. v. Sandoval*, 434 F.2d 635, 636 (9th Cir.

1970). Instead, Defendant maintains removal is proper because she suffered systematic civil rights violation under 42 U.S.C. § 1983, federal preemption exists due to violations of the Americans with Disabilities Act, her digital privacy rights under the Fourth Amendment were violated, and there were due process violations which require federal intervention.

(ECF No. 1 at 5–8.) Bad experiences with the particular court in question will not suffice. *Sandoval*, 434 F. 2d at 636 3 (citing *State of Georgia v. Rachel*, 86 S.Ct. 1783, 1791-1797 (1966); *City of Greenwood, Miss. v. Peacock*, 86 S.Ct. 1800, 1812-1813 (1966)).

In sum, the Court finds Defendant failed to timely comply with § 1455 or establish a legitimate basis for removal. I. CONCLUSION For the reasons stated above, the Court hereby REMANDS this action to Solano County Superior Court and the Clerk of the Court is directed to close the case. IT IS SO ORDERED. Date: August 13, 2025