

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.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 14, 2025
DOCKET	2:25-cv-02247-TLN-AC
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed a California state criminal prosecution to federal district court under 28 U.S.C. § 1455. The federal court remanded the action to the Solano County Superior Court and directed the clerk to close the federal case.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing that removal is proper, and doubts are resolved against removability.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not identified in the source.
PARTIES	Susan Brashear Anthony v. State of California

TOPICS

- criminal procedure
- arraignment
- civil rights
- fourth amendment
- due process

PRACTICE AREAS

- federal jurisdiction
- criminal procedure
- removal of state criminal prosecutions
- civil rights

QUESTIONS PRESENTED

1. Whether Anthony's notice of removal was timely under 28 U.S.C. § 1455(b)(1).
2. Whether Anthony established a legitimate statutory ground for removal of the state criminal prosecution under 28 U.S.C. §§ 1442, 1442a, or 1443.
3. Whether alleged civil-rights, disability, privacy, preemption, and due-process violations established a basis for federal removal.

HOLDINGS

1. A notice of removal of a state criminal prosecution filed more than thirty days after arraignment is untimely under 28 U.S.C. § 1455(b)(1), absent an adequately established basis for an extension.
2. A defendant removing a state criminal prosecution must include all grounds for removal in the notice and must establish a legitimate statutory basis for federal jurisdiction.
3. Allegations of civil-rights violations, federal preemption, Fourth Amendment violations, or due-process violations do not by themselves authorize removal of a state criminal prosecution under the federal criminal-removal statutes.

KEY QUOTATIONS

“A “defendant seeking removal has the burden to establish that removal is proper and any doubt is resolved against removability.”” (at 2)

“Bad experiences with the particular court in question will not suffice.” (at 3)

FACTUAL BACKGROUND

Anthony was arraigned in California state court on a charge of cruelty to an animal under California Penal Code § 597(b). She filed a federal notice of removal more than thirty days after her arraignment. She asserted removal-related constitutional and civil-rights theories, including alleged violations under 42 U.S.C. § 1983, the Americans with Disabilities Act, the Fourth Amendment, and due process, but did not identify an applicable statutory basis for removal.

PROCEDURAL HISTORY

Anthony was arraigned in Solano County Superior Court on June 16, 2025, on a charge of cruelty to an animal under California Penal Code § 597(b). She filed a notice of removal on August 8, 2025. The federal district court concluded that the notice was untimely and failed to state a legitimate statutory ground for removal, so it remanded the prosecution to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action is remanded to Solano County Superior Court, and the clerk is directed to close the federal case.

CASES CITED

- Hawaii ex rel. Louie v. HSBC Bank Nevada, N.A., 761 F.3d 1027, 1034 (9th Cir. 2014)
- Luther v. Countrywide Home Loans Servicing LP, 533 F.3d 1031, 1034 (9th Cir. 2008)
- People of State of Cal. v. Sandoval, 434 F.2d 635, 636 (9th Cir. 1970)
- 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)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-california-united-states-district-court-for/2025/state-of-california-v-susan-brashear-anthony-80hptfzf>