

**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

OPINION

(PS) State of California v. Anthony

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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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 8 existing at the time of the
original notice. For good cause shown, the United States district court may grant relief from the

limitations of 9 this paragraph. 10 28 U.S.C. § 1455(b)(1)-(2). A “defendant seeking removal has the burden to establish 11 that removal is proper and any doubt is resolved against removability.” Hawaii ex rel. Louie v. 12 HSBC Bank Nevada, N.A., 761 F.3d 1027, 1034 (9th Cir. 2014) (quoting Luther v. Countrywide 13 Home Loans Servicing LP, 533 F.3d 1031, 1034 (9th Cir. 2008)). 14 As an initial matter, Defendant was arraigned on June 16, 2025, and filed her notice of 15 removal on August 8, 2025. Accordingly, removal is untimely under § 1455(b)(1). 16 Moreover, Defendant has not articulated a legitimate ground for removal as required by § 17 1455(b)(2). Removal of state court criminal actions is authorized under 28 U.S.C. § 1442 18 (“Federal Officers or Agencies Sued or Prosecuted”), § 1442a (“Members of Armed Forces Sued 19 or Prosecuted”), and § 1443 (“Civil Rights Cases”). Sections 1442 and 1442a are inapplicable 20 because Defendant does not allege that she is a federal officer or a member of the armed forces 21 who is being prosecuted for an act done under color of the office. Further, Defendant does not 22 cite § 1443 or claim that the state court will not enforce “rights that are given to [her] by explicit 23 statutory enactment protecting equal racial civil rights” with support “by reference to a state 24 statute or a constitutional provision that purports to command the state courts to ignore the federal 25 rights.” People of State of Cal. v. Sandoval, 434 F.2d 635, 636 (9th Cir. 1970). Instead, 26 Defendant maintains removal is proper because she suffered systematic civil rights violation 27 under 42 U.S.C. § 1983, federal preemption exists due to violations of the Americans with 28 Disabilities Act, her digital privacy rights under the Fourth Amendment were violated, and there 1 were due process violations which require federal intervention. (ECF No. 1 at 5–8.) Bad 2 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. 4 Peacock, 86 S.Ct. 1800, 1812-1813 (1966)). In sum, the Court finds Defendant failed to timely 5 comply with § 1455 or establish a legitimate basis for removal.

6 I. CONCLUSION

7 For the reasons stated above, the Court hereby REMANDS this action to Solano County 8 Superior Court and the Clerk of the Court is directed to close the case. 9 IT IS SO ORDERED. 10 Date: August 13, 2025 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28