

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

Ricardo Estrada Castillo v. Varinder Singh, et al.

Castillo v. Singh · No. CV 25-1511 FMO (AJRx) · Decided January 22, 2026

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA JS-6 CIVIL MINUTES - GENERAL Case No. CV 25-1511 FMO (AJRx) Date January 22, 2026 Title Ricardo Estrada Castillo v. Varinder Singh, et al. Present: The Honorable Fernando M. Olguin, United States District Judge Vanessa Figueroa None None Deputy Clerk Court Reporter / Recorder Tape No. Attorney Present for Plaintiff: Attorney Present for Defendants: None Present None Present Proceedings: (In Chambers) Order Re: Remanding Action On February 21, 2025, this action was removed to this court pursuant to 28 U.S.C. § 1441.

(See Dkt. 1, Notice of Removal). On January 9, 2026, the court issued an Order to Show Cause directing the parties to each file a Memorandum Re: Jurisdiction addressing the citizenship of Horizon Royal Carrier Transport, LLC. (Dkt. 43, Court’s Order of January 9, 2026 (“OSC”)).

Having reviewed the parties memoranda, the court hereby remands this action to state court for lack of subject matter jurisdiction. See 28 U.S.C. § 1447(c). In general, “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court[.]” 28 U.S.C. § 1441(a).

A removing defendant bears the burden of establishing that removal is proper. See *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (per curiam) (“The strong presumption against removal jurisdiction means that the defendant always has the burden of establishing that removal is proper.”) (internal quotation marks omitted); *Abrego Abrego v. The Dow Chem. Co.*, 443 F.3d 676, 684 (9th Cir.

2006) (per curiam) (noting the “longstanding, near- canonical rule that the burden on removal rests with the removing defendant”). If there is any doubt regarding the existence of subject matter jurisdiction, the court must resolve those doubts in favor of remanding the action to state court. See *Gaus*, 980 F.2d at 566 (“Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.”).

Indeed, □□□□ at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c); see *Kelton Arms Condo. Owners Ass’n, Inc. v. Homestead Ins. Co.*, 346 F.3d 1190, 1192 (9th Cir. 2003) (“Subject matter

jurisdiction may not be waived, and, indeed, we have held that the district court must remand if it lacks jurisdiction.”); *Washington v. United Parcel Serv., Inc.*, 2009 WL 1519894, *1 (C.D.

Cal. 2009) (a district court may remand an action where the court finds that it lacks subject matter jurisdiction “either by motion or sua sponte”). When federal subject matter jurisdiction is predicated on diversity of citizenship, see 28 U.S.C. § 1332(a), complete diversity must exist between the opposing parties, see *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 117 S.Ct.

467, 472 (1996) (stating that the diversity jurisdiction statute only to cases in which the citizenship of each plaintiff is diverse from the citizenship of UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA JS-6 CIVIL MINUTES - GENERAL Case No. CV 25-1511 FMO (AJRx) Date January 22, 2026 Title Ricardo Estrada Castillo v. Varinder Singh, et al. each defendant”), and the amount in controversy must exceed \$75,000.

See 28 U.S.C. § 1332(a).’ Here, in response to the OSC, Horizon Royal Carrier Transport, LLC merely stated that it is registered in the State of Washington and that its principal place of business is in that same state, (see Dkt. 45, Defendants’ Memorandum Re: Jurisdiction at 5), apparently relying on the standard applicable to corporations.

However, representations regarding Horizon Royal Carrier Transport, LLC’s state of organization and its principal place of business are irrelevant to the determination of Horizon Royal Carrier Transport, LLC’s citizenship. See *Buschman v. Anesthesia Bus. Consultants LLC*, 42 F.Supp.3d 1244, 1248 (N.D. Cal. 2014) (“An LLC’s principal place of business [or] state of organization is irrelevant” for purposes of diversity jurisdiction); *Tele Munchen Fernseh GMBH & Co Produktionsgesellschaft v. Alliance Atlantis Int’l Distrib., LLC*, 2013 WL 6055328, *4 (C.D.

Cal. 2013) (“As a limited liability company, [defendant]’s principal place of business is irrelevant for purposes of diversity jurisdiction.”). This is because LLCs are treated like partnerships rather than corporations for the purpose of determining citizenship, and are deemed “a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Props.*

Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006); see *Grupo Dataflux v. Atlas Global Grp., L.P.*, 541 U.S. 567, 569, 124 S.Ct. 1920, 1923 (2004) (“[A] partnership... is a citizen of each State or foreign country of which any of its partners is a citizen.”).

As such, “[t]here is no such thing as ‘a [state name] limited partnership’ for purposes of... diversity jurisdiction. There are only partners, each of which has one or more citizenships.” *Hart v. Terminex Int’l*, 336 F.3d 541, 544 (7th Cir. 2003) (internal quotation marks omitted). Despite being an LLC, Horizon Royal Carrier Transport, LLC, failed to identify its membership and the citizenship of each respective member.

(See, generally, Dkt. 45, Defendants' Memorandum Re: Jurisdiction). In short, it has failed to establish the existence of diversity jurisdiction. See, e.g., *Lindley Contours, LLC v. AABB Fitness Holdings, Inc.*, 414 F.Appx. 62, 65 (9th Cir. 2011) (holding that an allegation that no member of a defendant LP "is an Oregon citizen," without identifying the actual state of citizenship of the LP's members or whether the members were composed of another layer of business entities, was insufficient to establish complete diversity); *Amescua v. Peacock TV LLC*, 2024 WL 39192, *3 (C.D.

Cal. 2024) (remanding action where LLC defendant "fail[ed] to specifically identify [its] member's members and allege each one's citizenship"). Because Horizon Royal Carrier Transport, LLC has not met its burden to show the existence of complete diversity, the court must presume jurisdiction is lacking. See *Gaus*, 980 F.2d at 566 ("Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.") This order is not intended for publication.

Nor is it intended to be included in or submitted to any online service such as Westlaw or Lexis. Based on the foregoing, IT IS ORDERED THAT: ' relevant part, 28 U.S.C. § 1332(a) provides that a district court has diversity jurisdiction "where the matter in controversy exceeds the sum or value of \$75,000,... and is between... citizens of different States" or "citizens of a State and citizens or subjects of a foreign state[.]" 28 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA JS-6 CIVIL MINUTES - GENERAL Case No. CV 25-1511 FMO (AJRx) Date January 22, 2026 Title Ricardo Estrada Castillo v. Varinder Singh, et al. 1.

The above-referenced action shall be remanded to the Los Angeles County Superior Court for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c). 2. The Clerk shall send a certified copy of this Order to the state court. 3. All pending motions are denied as moot. 00: 00 Initials of Preparer vdr