

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Rubi Gutierrez v. General Motors LLC, et al.

Gutierrez v. General Motors LLC · No. 2:25-cv-07632-FLA (PDx) · Decided August 27, 2025

SUMMARY

The United States District Court for the Central District of California ordered the parties to show cause why the action should not be remanded for failure to timely remove it under 28 U.S.C. § 1446. The court directed defendants to respond within fourteen days and explain the facial and factual sufficiency of federal subject matter jurisdiction.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                                              |
| WRITING FOR THE COURT | Fernando L. Aenlle-Rocha                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                                              |
| DECIDED               | August 27, 2025                                                                                                                                                                                                                                  |
| DOCKET                | 2:25-cv-07632-FLA (PDx)                                                                                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Defendants removed a civil action from state court. The district court issued an order to show cause why the action should not be remanded because the record did not establish that removal was timely.                                         |
| STANDARD OF REVIEW    | The removing party bears the burden of establishing federal jurisdiction, and removal statutes are strictly construed against removal. The court considered the facial and factual sufficiency of the defendants' demonstration of jurisdiction. |
| PRECEDENTIAL VALUE    | Unknown; district court order with no reporter citation                                                                                                                                                                                          |

TOPICS

- subject matter jurisdiction
- civil procedure
- federalism

PRACTICE AREAS

- civil procedure
- removal jurisdiction
- federal jurisdiction

## QUESTIONS PRESENTED

1. Whether the defendants had established that removal was timely under 28 U.S.C. § 1446(b)(1).
2. Whether the record sufficiently demonstrated federal subject matter jurisdiction to avoid remand.

## HOLDINGS

1. The party invoking federal jurisdiction bears the burden of establishing jurisdiction, and a removing defendant must demonstrate that the notice of removal was filed within thirty days after receipt of the initial pleading or summons. Because the record did not presently establish timely removal, the court ordered defendants to show cause why the action should not be remanded.

## KEY QUOTATIONS

*“Federal courts are presumed to “lack jurisdiction unless the contrary appears affirmatively from the record;” therefore, the party seeking federal jurisdiction bears the burden of establishing it.” (1)*

*“However, due to the “strong presumption” against removal, “federal jurisdiction must be rejected if there is any doubt as to the right of removal.”” (1)*

*““If a notice of removal is filed after this thirty-day window, it is untimely and remand to state court is therefore appropriate.”” (1)*

## FACTUAL BACKGROUND

Rubi Gutierrez brought a civil action against General Motors LLC and other defendants in state court. Defendants removed the action to federal district court, apparently invoking federal diversity jurisdiction. On review of the notice of removal, the district court was unable to determine whether defendants filed the notice within the thirty-day period required by 28 U.S.C. § 1446(b)(1).

## PROCEDURAL HISTORY

The defendants filed a notice of removal under the federal diversity jurisdiction and removal statutes. After reviewing the notice of removal, the district court could not determine whether the action had been removed within thirty days after receipt of the initial pleading or summons. The court ordered the parties to respond in writing within fourteen days and warned that defendants' failure to respond adequately would result in remand without further notice.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The parties were ordered to show cause in writing within fourteen days why the action should not be remanded for failure to remove within the thirty-day period required by 28 U.S.C. § 1446. Responses were limited to ten

pages, and defendants were encouraged to submit evidence or judicially noticeable facts. Defendants' failure to respond timely and adequately would result in remand without further notice.

#### CASES CITED

- DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 342 n. 3 (2006)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Babasa v. LensCrafters, Inc., 498 F.3d 972, 974 (9th Cir. 2007)
- Leite v. Crane Co., 749 F.3d 1117, 1122 (9th Cir. 2014)

#### OPINION

Ruby Gutierrez v. General Motors LLC

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 11 RUBI GUTIERREZ, Case No. 2:25-cv-07632-FLA (PDx) 12 Plaintiff,

ORDER TO SHOW CAUSE WHY

13 v. ACTION SHOULD NOT BE

REMANDED FOR LACK OF

14 SUBJECT MATTER JURISDICTION

GENERAL MOTORS LLC, et al., 15 Defendants. 16 17 18 19 20 21 22 23 24 25 26 27 28

1 ORDER

2 Federal courts are presumed to “lack jurisdiction unless the contrary appears 3 affirmatively from the record;” therefore, the party seeking federal jurisdiction bears 4 the burden of establishing it. See DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 342 5 n. 3 (2006). Pursuant to 28 U.S.C. § 1332(a), district courts have diversity jurisdiction 6 where each plaintiff’s citizenship is diverse from each defendant’s citizenship and the 7 amount in controversy exceeds \$75,000, exclusive of interest and costs. Any civil 8 action brought in state court for which district courts have jurisdiction may be 9 removed. 28 U.S.C. § 1441. However, due to the “strong presumption” against 10 removal, “federal jurisdiction must be rejected if there is any doubt as to the right of 11 removal.” Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992). 12 Pursuant to 28 U.S.C. § 1446(b)(1) (“Section 1446”), a notice of removal must 13 be filed within thirty (30) days after a defendant receives the initial pleading or 14 summons. Section 1446 is strictly construed against removal. Gaus v. Miles, Inc., 15 980 F.2d 564, 566 (9th Cir. 1992) (“We strictly construe the removal statute against 16 removal jurisdiction.”) (citation omitted). “If a notice of removal is filed after this 17 thirty-day window, it is untimely and remand to state court is therefore appropriate.” 18 Babasa v. LensCrafters, Inc., 498 F.3d 972, 974 (9th Cir. 2007). 19 The court has reviewed the Notice of Removal and is presently unable to 20 conclude this action was removed within thirty (30) days of receipt of the initial 21 pleading or summons, as required under Section

1446. 22 The parties are ORDERED TO SHOW CAUSE, in writing only, within 23 fourteen (14) days from the date of this Order, why this action should not be remanded 24 for failure to remove within the thirty (30)-day window required by Section 1446. 25 The parties are encouraged to submit evidence and/or judicially noticeable facts in 26 response to the court's Order. Responses shall be limited to ten (10) pages in length. 27 The parties should consider this Order to be a two-pronged inquiry into the facial and 28 factual sufficiency of Defendant's demonstration of jurisdiction. See *Leite v. Crane 1 | Co.*, 749 F.3d 1117, 1122 (9th Cir. 2014). 2 As Defendants are the party asserting federal jurisdiction, Defendants' failure to 3 || respond timely and adequately to this Order shall result in remand of the action 4 | without further notice. 5 6 IT IS SO ORDERED. 7 8 || Dated: August 27, 2025

9 FERNANDO'L. AENLLE-ROCHA

United States District Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28