

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.

OPINION

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