

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)

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