

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

**Luther Johnson, individually and as heirs of decedent Legend
Alfonzo Johnson; and Jordan Johnson, individually and as heirs of
decedent Legend Alfonzo Johnson v. San Diego Family Housing, LLC
et al.**

Johnson v. San Diego Family Housing · No. 3:25-cv-02769-JES-MMP · Decided January 7, 2026

SUMMARY

The United States District Court for the Southern District of California granted Plaintiffs’ motion to remand the case to state court. The court found Defendants lacked an objectively reasonable basis for removal and awarded attorneys’ fees, establishing a briefing schedule for the fee motion and response.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	James E. Simmons Jr.
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 7, 2026
DOCKET	3:25-cv-02769-JES-MMP
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiffs moved to remand the removed action to state court. The federal district court granted the motion and awarded attorneys’ fees based on the defendants’ lack of an objectively reasonable basis for removal.
PRECEDENTIAL VALUE	Unknown
PARTIES	Luther Johnson, individually and as heirs of decedent Legend Alfonzo Johnson, Jordan Johnson, individually and as heirs of decedent Legend Alfonzo Johnson v. San Diego Family Housing, LLC, et al.

TOPICS

- civil procedure
- attorney fees
- remedies

PRACTICE AREAS

civil procedure

removal and remand

attorney fees

QUESTIONS PRESENTED

1. Whether the action should be remanded to state court.
2. Whether plaintiffs were entitled to attorneys' fees because defendants lacked an objectively reasonable basis for removal.

HOLDINGS

1. Plaintiffs' motion to remand was granted, and the matter was ordered remanded to state court.
2. Plaintiffs were entitled to an award of attorneys' fees because defendants lacked an objectively reasonable basis for removal.

KEY QUOTATIONS

"The Court finds this case factually analogous to Childs v. San Diego Family Housing, LLC, 150 F.4th 1151 (9th Cir. 2025). Further, the Court finds that Defendants lacked an objectively reasonable basis for removal and awards attorneys' fees." (at 2)

FACTUAL BACKGROUND

The opinion concerns an action brought by Luther Johnson and Jordan Johnson individually and as heirs of Legend Alfonzo Johnson against San Diego Family Housing, LLC and other defendants. The defendants removed the matter to federal court. Plaintiffs sought remand, and the court found the case factually analogous to Childs v. San Diego Family Housing, LLC.

PROCEDURAL HISTORY

The action was removed to the United States District Court for the Southern District of California. After a January 7, 2026 hearing, the court granted plaintiffs' motion to remand and permitted plaintiffs to submit a motion for attorneys' fees, with an optional response from defendants.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter is remanded to state court. Plaintiffs may submit their motion for attorneys' fees by January 23, 2026; defendants may file an optional response by January 30, 2026; no reply briefing will be accepted.

CASES CITED

- Childs v. San Diego Family Housing, LLC, 150 F.4th 1151 (9th Cir. 2025)

OPINION

Luther Johnson, individually and as heirs of decedent Legend Alfonzo Johnson; and Jordan Johnson, individually and as heirs of decedent Legend Alfonzo Johnson v. San Diego Family Housing, LLC et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 LUTHER JOHNSON, individually and as Case No.: 3:25-cv-02769-JES-MMP heirs of
decedent LEGEND ALFONZO 12

JOHNSON; and JORDAN JOHNSON, ORDER GRANTING MOTION TO

13 individually and as heirs of decedent REMAND

LEGEND ALFONZO JOHNSON,

14 Plaintiffs, [ECF No. 12] 15 v. 16

SAN DIEGO FAMILY HOUSING, LLC

17 et al., 18 Defendants. 19 20 21 For the reasons stated on the record at the January 7, 2026,
hearing, Plaintiffs' 22 Motion to Remand the matter to state court is GRANTED. The Court finds
this case 23 factually analogous to Childs v. San Diego Family Housing, LLC, 150 F.4th 1151 (9th
Cir. 2025). Further, the Court finds that Defendants lacked an objectively reasonable basis for 24
removal and awards attorneys' fees. Plaintiffs have until January 23, 2026, to submit their 25
motion for attorneys' fees. Defendants may file an optional response no later than January 26 27
30, 2026. No reply briefing will be accepted. 28 // I IT IS SO ORDERED. 2 Dated: January 7,
2026 3 Str J. 4 Honorable James E. Simmons Jr. 5 United States District Judge 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28