

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Jose Moreno, Jr. v. Winchell's Donut House, et al.

No. CV 25-6008-JFW(RAOx) (C.D. Cal. Aug. 5, 2025) · No. CV 25-6008-JFW(RAOx) · Decided August 5, 2025

SUMMARY

The United States District Court for the Central District of California remanded the action to Los Angeles County Superior Court after the United States, the basis for federal removal jurisdiction, was dismissed. The court declined to exercise supplemental jurisdiction over the remaining state-law claims against the other defendants under 28 U.S.C. § 1367(c).

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                      |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | John F. Walter                                                                                                                                                                                                                                                                                       |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                                                                                                  |
| DECIDED               | August 5, 2025                                                                                                                                                                                                                                                                                       |
| DOCKET                | CV 25-6008-JFW(RAOx)                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | remanded                                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | After the United States removed the action from Los Angeles County Superior Court under 28 U.S.C. § 1442(a)(1), Plaintiff dismissed the claims against the United States. The federal district court declined supplemental jurisdiction over the remaining state-law claims and remanded the action. |
| PRECEDENTIAL VALUE    | Unpublished district court order; generally nonprecedential.                                                                                                                                                                                                                                         |

TOPICS

- subject matter jurisdiction
- federalism
- civil procedure

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- removal and remand

QUESTIONS PRESENTED

1. Whether the district court should decline supplemental jurisdiction over the remaining state-law claims after the claims against the United States, which supplied the basis for federal jurisdiction, were dismissed.
2. Whether the action should be remanded to Los Angeles County Superior Court.

## HOLDINGS

1. The court declined to exercise supplemental jurisdiction over Plaintiff's remaining state-law claims because all claims over which the court had original jurisdiction had been dismissed and the relevant considerations of judicial economy, convenience, fairness, and comity favored declining jurisdiction.
2. The action was remanded to Los Angeles County Superior Court.

## KEY QUOTATIONS

*"[I]n the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under the pendent jurisdiction doctrine – judicial economy, convenience, fairness, and comity – will point toward declining to exercise jurisdiction over the remaining state law claims."* (Order at 1)

## FACTUAL BACKGROUND

Jose Moreno, Jr. sued Winchell's Donut House, Choice Dental, and The VA Long Beach in Los Angeles County Superior Court, alleging negligence and undefined personal injuries. The United States, which had been erroneously named as The VA Long Beach, removed the action under the federal-officer removal statute. After Plaintiff dismissed the United States, only state-law claims against the remaining defendants remained.

## PROCEDURAL HISTORY

Plaintiff filed a negligence and personal-injury complaint in Los Angeles County Superior Court on May 29, 2025. The United States, erroneously sued as The VA Long Beach, removed the action on July 1, 2025. Plaintiff dismissed the United States on July 9, 2025, eliminating the claims over which the federal court had original jurisdiction. The district court then remanded the remaining claims to Los Angeles County Superior Court.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The action was remanded to Los Angeles County Superior Court.

## CASES CITED

- Satey v. JPMorgan Chase & Co., 521 F.3d 1087, 1091 (9th Cir. 2008)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 351 (1988)

## OPINION

UNITED STATES DISTRICT COURT JS-6 CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES -- GENERAL Case No. CV 25-6008-JFW(RAOx) Date: August 5, 2025 Title: Jose Moreno, Jr. -v- Winchell's Donut House, et al. PRESENT: HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE Shannon Reilly None Present Courtroom Deputy Court Reporter ATTORNEYS PRESENT FOR PLAINTIFFS: ATTORNEYS PRESENT FOR DEFENDANTS: None None PROCEEDINGS (IN CHAMBERS): ORDER REMANDING ACTION TO LOS ANGELES COUNTY SUPERIOR COURT On May 29, 2025, Plaintiff Jose Moreno, Jr. ("Plaintiff") filed a Complaint against Defendants Winchell's Donut House, Choice Dental, and The VA Long Beach in Los Angeles County Superior, alleging a claim for negligence and undefined personal injuries.

On July 1, 2025, the United States, erroneously sued as The VA Long Beach ("United States") filed a Notice of Removal pursuant to 28 U.S.C. § 1442(a)(1). On July 9, 2025, Plaintiff filed a Notice of Dismissal of Defendant United States.

In light of the dismissal of the claims against Defendant United States, and after considering judicial economy, convenience, fairness, and comity, the Court declines to exercise supplemental jurisdiction over Plaintiff's claims alleged against the remaining defendants. See 28 U.S.C. § 1367(c) ("The district courts may decline to exercise supplemental jurisdiction over a claim... if... the district court has dismissed all claims over which it has original jurisdiction."); *Satey v. JPMorgan Chase & Co.*, 521 F.3d 1087, 1091 (9th Cir.

2008) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 351 (1988)) ("[I]n the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under the pendent jurisdiction doctrine – judicial economy, convenience, fairness, and comity – will point toward declining to exercise jurisdiction over the remaining state law claims.") Accordingly, this action is REMANDED to Los Angeles County Superior Court.

IT IS SO ORDERED.