

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Adam Jacobs v. County of Sacramento, et al.

Jacobs · No. 2:25-cv-2648-DAD-JDP (PS) · Decided December 3, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ADAM JACOBS, Case No. 2:25-cv-2648-DAD-JDP (PS) 12 Plaintiff, 13 v.
ORDER; FINDINGS AND RECOMMENDATIONS 14 COUNTY OF SACRAMENTO, et al., 15
Defendants. 16 17 Plaintiff, proceeding without counsel, commenced this action in the
Sacramento County 18 Superior Court, alleging that defendants violated his civil rights and
California law by failing to 19 provide him adequate medical care.

ECF No 1 at 9-17. On September 15, 2025, defendants 20 removed the case to this court on the
basis of federal question jurisdiction. ECF No. 1; see 28 21 U.S.C. §§ 1331, 1441(c). Shortly
thereafter, plaintiff filed a motion for leave to amend his 22 complaint, seeking to remove all
federal claims, together with a motion to remand. ECF Nos. 3 23 & 4. Defendants have filed a
statement of non-opposition to both motions.

ECF No. 8. I will 24 grant plaintiff’s motion to amend and recommend that his motion to remand
be granted. 25 26 27 1 Plaintiff has also filed a motion to file documents electronically. ECF No.
5. Because 28 the case should be remanded to state court, that motion is denied as moot. 1 I.
Motion to Amend 2 Rule 15(a)(2) instructs courts to “freely give leave [to amend] when justice so
requires.” 3 See *Arizona Students’ Ass’n v. Arizona Bd. of Regents*, 824 F.3d 858, 871 (9th Cir.

2016). “This 4 policy is to be applied with extreme liberality.” *C.F. v. Capistrano Unified Sch.*
Dist., 654 F.3d 5 975, 985 (9th Cir. 2011). The court may decline to grant leave to amend only
where there is a 6 strong showing of: (1) undue delay, (2) bad faith or dilatory motive, (3) repeated
failure to cure 7 deficiencies by amendments previously allowed, (4) undue prejudice to the
opposing party by 8 virtue of allowance of the amendment, or (5) futility of amendment.

See *Sonoma Cty. Ass’n of 9 Retired Employees v. Sonoma Cty.*, 708 F.3d 1109, 1117 (9th Cir.
2013). 10 Given that defendants do not oppose the motion, ECF No. 8, and that leave to amend is
11 freely given, Fed. R. Civ. P. 15(a)(2), plaintiff’s motion to amend is granted.

Accordingly, this 12 action will proceed on plaintiff’s first amended complaint. 13 II. Motion to
Remand 14 “If at any time before final judgment it appears that the district court lacks subject
matter 15 jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c). “The burden of
establishing 16 federal jurisdiction is on the party seeking removal, and the removal statute is

strictly construed 17 against removal jurisdiction.” *Emrich v. Touche Ross & Co.*, 846 F.2d 1190, 1195 (9th Cir.

18 1988); see *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (“The ‘strong presumption’ 19 against removal jurisdiction means that the defendant always has the burden of establishing that 20 removal is proper.”). If there is any doubt as to the existence of subject matter jurisdiction, the 21 court must resolve those doubts in favor of remanding to state court.

Gaus v. Miles, Inc., 980 22 F.2d 564, 566 (9th Cir. 1992) (“Federal jurisdiction must be rejected if there is any doubt as to the 23 right of removal in the first instance.”). 24 Plaintiff’s first amended complaint removes all federal claims that were asserted in his 25 earlier complaint and alleges only violations of California law. See ECF No. 3-1.

Moreover, 26 defendants do not oppose plaintiff’s motion to remand. ECF No. 8. Because this case no longer 27 presents a federal question, it should be remanded back to state court. See *Royal Canin U. S. A., 28 Inc. v. Wullschleger*, 604 U.S. 22, 25-26 (2025) (“When an amendment [to the complaint] excises 1 | the federal-law claims that enabled removal, the federal court loses its supplemental jurisdiction 2 | over the related state-law claims.

The case must therefore return to state court.”). 3 Accordingly, it is hereby ORDERED that: 4 1. The November 20, 2025 hearing on plaintiff's motions to amend, ECF No. 3, and to 5 | remand, ECF No. 4, is VACATED. 6 2. Plaintiffs motion to amend the complaint, ECF No. 3, is GRANTED. 7 3.

The Clerk of Court is directed to file a copy of plaintiff's proposed first amended 8 | complaint, ECF No. 3-1, on the docket. 9 4. Plaintiff's motion to file documents electronically, ECF No. 5, is DENIED as moot. 10 Further, it is hereby RECOMMENDED that: 11 1. Plaintiff’s motion to remand, ECF No. 4, be GRANTED. 12 2.

The case be REMANDED to the Superior Court of the State of California in and for 13 | the County of Sacramento. 14 These findings and recommendations are submitted to the United States District Judge 15 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(). Within fourteen days of 16 | service of these findings and recommendations, any party may file written objections with the 17 | court and serve a copy on all parties.

Any such document should be captioned “Objections to 18 | Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed 19 | within fourteen days of service of the objections. The parties are advised that failure to file 20 | objections within the specified time may waive the right to appeal the District Court’s order. See 21 | *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir.

1998); Martinez v. Yist, 951 F.2d 1153 (9th Cir. 22 | 1991). 23 IT IS SO ORDERED. Dated: _
December 3, 2025 q———— 26 JEREMY D,. PETERSON UNITED STATES MAGISTRATE
JUDGE 28

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