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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

RONALD JOSEPH GENGLER et al.,

Petitioners,

v.

THE SUPERIOR COURT OF
RIVERSIDE COUNTY,

Respondent;

AMERICAN RESIDENTIAL
PROPERTIES, OP,

Real Party in Interest.

E057841

(Super.Ct.No. INC1207562)

OPINION

ORIGINAL PROCEEDINGS; petition for writ of prohibition. David E. Gregory,
Temporary judge. (Pursuant to Cal. Const., art. VI, § 21.) Petition granted.

Gordon & Doner and Scott L. Adkins for Petitioners.

No appearance for Respondent.

No appearance for Real Party in Interest.

In this matter, we have reviewed the petition and considered the record. Although invited to do so, real party in interest has not filed a response. We have determined that resolution of the matter involves the application of settled principles of law, and that an alternative writ would add nothing to the presentation already made and would cause undue delay in resolving this matter. We therefore issue a peremptory writ in the first instance. (*Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 178.)

DISCUSSION

After a civil action is removed to federal court, “the State court shall proceed no further unless and until the case is remanded.” (28 U.S.C. § 1446(d).) In *Sugimoto v. Exportadora de Sal, S.A. de C.V.* (1991) 233 Cal.App.3d 165, the superior court dismissed the action when it had been removed to federal court in order to clear its docket. The appellate court held the dismissal was improper because the superior court lacked jurisdiction to do anything other than stay the action pending the resolution of the federal case. (*Id.* at p. 168.)

In this case, the trial court has continued to calendar hearings after being advised of the removal of this matter and, apparently, even after we issued a temporary stay. The trial court erred in taking these actions because it lacks jurisdiction to do anything other than to stay the action. Accordingly, we grant the petition for writ of mandate.

DISPOSITION

Let a peremptory writ of mandate issue directing the Superior Court of Riverside County to immediately stay the action and cease calendaring any hearings or taking any action in this matter unless the federal court orders a remand.

Petitioner is directed to prepare and have the peremptory writ of mandate issued, copies served, and the original filed with the clerk of this court, together with proof of service on all parties.

The parties are to bear their own costs.

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HOLLENHORST
Acting P. J.

We concur:

MILLER
J.

CODRINGTON
J.