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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 KAYLIN MARCUS THORNTON,
12 Plaintiff,
13 v.
14 AMAZON.COM SERVICES LLC,
15 Defendant.

Case No. 2:26-cv-2257-DC-JDP (PS)

ORDER

16
17 Plaintiff Kaylin Marcus Thornton filed this action in Sacramento Superior Court, alleging
18 claims against defendant Amazon.com Services LLC. Defendant timely removed on the basis of
19 diversity jurisdiction. Plaintiff has moved to remand, ECF No. 9, and defendant has moved to
20 compel arbitration and to dismiss this action pursuant to the Federal Arbitration Act, ECF No. 8.
21 For the reasons stated below, plaintiff's motion is denied and the court will stay adjudication of
22 defendant's motion until after plaintiff has another opportunity to file a response.

23 **Background**

24 Plaintiff is an author who published five books that are available for purchase on
25 Amazon's Kindle Direct Publishing ("KDP"). ECF No. 1 at 7. On March 1, 2024, plaintiff's
26 KDP account was terminated, which barred plaintiff from accessing payments for his book sales,
27 modifying the price, description, or marketing materials for his books, downloading sales reports
28 and tax documents, and more. *Id.* at 8. Since the account's termination, Amazon has continued

1 to sell plaintiff's books without compensating plaintiff, has facilitated unauthorized third-party
2 sales of his books, displayed his author's page, and updated his book information. *Id.* at 8-9.
3 Plaintiff worked with Amazon from November 2024 through March 2025 to revive his account,
4 but attempts were unsuccessful. *Id.* at 9.

5 **Procedural History**

6 On May 26, 2026, plaintiff filed suit in Sacramento Superior Court. ECF No. 1 at 6. The
7 complaint brings seven state law claims: breach of implied contract; unjust enrichment;
8 intentional infliction of emotional distress; negligent infliction of emotional distress; conversion;
9 fraudulent inducement; and loss of business opportunity.¹ Plaintiff seeks compensatory damages,
10 emotional distress damages, punitive damages, and attorney's fees, with total damages of
11 \$180,500. *Id.* at 12.

12 On June 25, 2026, defendant removed on the basis of diversity jurisdiction. ECF No. 1.
13 Defendant provided that it is a citizen of Delaware and Washington and that plaintiff is a citizen
14 of California. *Id.* at 3. Defendant also asserted that the amount in controversy exceeds \$75,000.
15 *Id.*

16 On July 27, 2026, plaintiff filed a motion to remand on the basis that defendant engaged in
17 forum shopping and gamesmanship-like tactics when it delayed removing this action until the last
18 day before the deadline. ECF No. 9. Defendant has filed an opposition, ECF No. 15.

19 On July 14, 2026, defendant filed a motion to compel arbitration and to dismiss pursuant
20 to the Federal Arbitration Act. ECF No. 8. Plaintiff has not filed an opposition or statement of
21 opposition to that motion.

22 **I. Motion to Remand**

23 **A. Legal Standard**

24 "[A]ny civil action brought in a State court of which the district courts of the United
25 States have original jurisdiction, may be removed by the defendant or the defendants, to the
26 district court of the United States for the district . . . where such action is pending." 28 U.S.C.

27 ¹ Plaintiff lists "punitive damages" as his eighth cause of action, but that is a type of relief,
28 but a cause of action.

1 § 1441(a). Courts construe the removal statute against removal, and the party seeking removal
2 bears the burden of establishing federal jurisdiction. *Geographic Expeditions, Inc. v. Est. of*
3 *Lhotka*, 599 F.3d 1102, 1106-1107 (9th Cir. 2010) (citing *Gaus v. Miles, Inc.*, 980 F.2d 564, 567
4 (9th Cir. 1992)). If removal was improper, “the district court lack[s] subject matter jurisdiction,
5 and the action should [be] remanded to the state court.” *Toumajian v. Frailey*, 135 F.3d 648, 653
6 (9th Cir. 1998) (citing 28 U.S.C. § 1447(c)).

7 The notice of removal must contain “a short and plain statement of the grounds for
8 removal,” which includes the claimed jurisdictional basis. 28 U.S.C. § 1446(a). Diversity
9 jurisdiction exists in all civil actions in which there is complete diversity of citizenship of the
10 parties and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332. In calculating the
11 amount in controversy, the proponent of federal jurisdiction has the burden of proving by a
12 preponderance of the evidence that the amount in controversy is satisfied. *See Geographic*
13 *Expeditions, Inc.*, 599 F.3d at 1106-07.

14 **B. Analysis**

15 Plaintiff does not dispute that this court has jurisdiction. *See* ECF No. 9. Instead, plaintiff
16 argues that this action was improperly removed because (1) defendant waited until the 30th day to
17 remove, which demonstrates forum shopping, (2) all events occurred in California, and
18 specifically Sacramento, which makes Sacramento Superior Court the “only appropriate forum,”
19 and (3) federal court is not an appropriate forum because all claims involve “important California
20 public policy.” *Id.* Before addressing plaintiff’s arguments, the court will address whether
21 removal was proper.

22 28 U.S.C. § 1446(b) governs the time during which a defendant may properly remove a
23 case from state court to federal court. A notice of removal must be filed within thirty days of the
24 defendant receiving “a copy of the initial pleading setting forth the claim for relief upon which
25 such action or proceeding is based.” 28 U.S.C. § 1446(b)(1). Plaintiff filed this action in state
26 court on May 26, 2026, and defendant removed this action on June 25, 2026. Therefore, removal
27 occurred within the statutory window.

28 An action may be removed to federal court on the basis of diversity jurisdiction only

1 where there is complete diversity of citizenship between the parties. *Hunter v. Phillip Morris*
2 *USA*, 582 F.3d 1039, 1043 (9th Cir. 2009) (citing 28 U.S.C. §§ 1332(a), 1441(b)). Here, there is
3 complete diversity. Plaintiff is a citizen of California and defendant is a citizen of Washington
4 and Delaware.

5 Finally, a notice of removal must include “a plausible allegation that the amount in
6 controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co. v. Owens*,
7 574 U.S. 81, 89 (2014). The amount in controversy is calculated based upon “the complaint
8 operative at the time of removal and encompasses all relief a court may grant on that complaint if
9 the plaintiff is victorious.” *Chavez v. JPMorgan Chase & Co.*, 888 F.3d 413, 414-15 (9th Cir.
10 2018). Here, plaintiff alleges that the amount in controversy exceeds the jurisdictional amount.
11 Specifically, he alleges damages in the amount of \$180,500. ECF No. 1 at 12. Accordingly,
12 removal on the basis of diversity jurisdiction was proper.

13 Plaintiff, however, has advanced three reasons why this matter should be remanded. He
14 first argues that defendant’s decision to delay removal until the deadline was done “to avoid
15 imminent default judgment” and “constitutes bad-faith forum shopping.” ECF No. 9 at 2.
16 Plaintiff cites no authority, and this court is aware of none, indicating that a court must remand a
17 case because the defendant waited to remove until the final permissible moment to do so.

18 Plaintiff’s second argument, that all events occurred in Sacramento and therefore that
19 Sacramento County Superior Court is the only appropriate forum, is equally unmeritorious. ECF
20 No. 9 at 3. As defendant argues—this court sits in Sacramento, directly across the street from the
21 Sacramento Superior Courthouse, which necessarily dispels any of plaintiff’s concerns about the
22 accessibility of witnesses and documents. Moreover, “forum non conveniens is a venue doctrine,
23 not a jurisdictional principle.” *Andrades v. City of Manteca Police*, No. 2:23-cv-01905-TLN-AC
24 (PS), 2024 WL 201105, at *3 (E.D. Cal. Jan. 17, 2024). It is a doctrine “under which a federal
25 district court may *dismiss* an action on the ground that a court abroad is the more appropriate and
26 convenient forum for adjudicating the controversy.” *Sinochem Int’l Co. v. Malaysia Int’l*
27 *Shipping Corp.*, 549 U.S. 422, 425 (2007) (emphasis added). Forum non conveniens is an
28 “exceptional tool to be employed sparingly.” *Bos. Telecommunications Grp., Inc. v. Wood*, 588

1 F.3d 1201, 1206 (9th Cir. 2009) (quoting *Dole Food Co. v. Watts*, 303 F.3d 1104, 1118 (9th Cir.
2 2002)). The court does not understand plaintiff to seek dismissal of his lawsuit, therefore
3 “remand of a removed case is not available on the basis of *forum non conveniens*.” See *Andrades*,
4 2024 WL 201105, at *3.

5 Plaintiff’s final argument, that federal court is an improper forum because he only brings
6 state law claims involving important California public policy, is unpersuasive. This court has
7 jurisdiction over this action and defendant is well within its statutory rights to remove this action.

8 Finally, the court finds it necessary to address plaintiff’s fictitious case citations. As
9 defendant notes, plaintiff has cited numerous cases that are either fabrications or
10 misrepresentations.² ECF No. 10 at 8. This court is troubled by these patently incorrect
11 quotations and assertions. As one court in this District has recently stated:

12 Federal Rule of Civil Procedure 11 applies to all parties, including
13 parties such as Plaintiff who are proceeding without an attorney.
14 See Fed. R. Civ. P. 11. Though the Court has not issued an order
15 prohibiting the use of generative artificial intelligence (“generative
16 AI”) by parties in their pleadings and filings, Plaintiff is cautioned
17 that whether he uses or does not use generative AI or some other
18 tool, Rule 11 still applies and he is responsible to ensure that any
19 pleading or filing submitted to the court: “(1) [] is not being
20 presented for any improper purpose, such as to harass, cause
21 unnecessary delay, or needlessly increase the cost of litigation;
22 (2) the claims, defenses, and other legal contentions are warranted
23 by existing law or by a nonfrivolous argument for extending,
24 modifying, or reversing existing law or for establishing new law;
25 (3) the factual contentions have evidentiary support or, if
26 specifically so identified, will likely have evidentiary support after

21 ² The first-cited example is: “[a]s the Fifth Circuit held in *In re Shell Oil Co.* 932 F.2d at
22 420, removal that is ‘an abusive manipulation of the removal statute’ warrants remand.” That
23 citation is for *Pierre v. I.N.S.*, 932 F.2d 418, 420 (5th Cir. 1991), a case dealing with an
24 immigration matter and does not address removal or remand.

25 Second: “[w]here, as here, a defendant removes on the last possible day before an adverse
26 state-court ruling - such as entry of default - courts ‘will view the removal with a skeptical eye
27 and scrutinize the papers with particular care.’ *In re Shell Oil Co.* (5th Cir. 1990) 932 F.2d 418,
28 420.” Again, that citation and quotation are incorrect.

Third: “[R]emoval statutes are not to be used as tools of gamesmanship to manipulate the
forum.’ *Mayor of Philadelphia v. Educational Equality League* (1974) 415 U.S. 605, 628.” That
case does not include that quotation and does not deal with removal.

Fourth: “All doubts must be resolved in favor of remand. *University of Tennessee v.*
Elliott (1986) 478 U.S. 788, 799.” That case does not include that quotation and does not deal
with removal.

1 a reasonable opportunity for further investigation or discovery; and
2 (4) the denials of factual contentions are warranted on the evidence
3 or, if specifically so identified, are reasonably based on belief or a
4 lack of information.” See Fed. R. Civ. P. 11(b). . . . “Such
5 misquotations, miscitations, and misrepresentations often indicate
6 the presence of artificial intelligence-generated hallucinations.”
7 *Doe 1 v. Lai*, 2026 WL 1004947, at *1 (C.D. Cal. Feb. 17, 2026).
8 Regardless of whether Plaintiff is or is not using generative AI,
9 Plaintiff is warned that misrepresentations or misleading
10 representations to the Court may be sanctionable pursuant to Rule
11 11(b) and the court's inherent authority.

12 *Lohbeck v. CSL Plasma Inc.*, No. 2:26-cv-1493-DJC-CSK (PS), 2026 WL 2057233, at *9 (E.D.
13 Cal. July 16, 2026). Accordingly, plaintiff is on notice that sanctions may issue for future filings
14 that contain misrepresentations.

15 **II. Motion to Compel Arbitration**

16 Defendant filed its motion compel to arbitration on July 14, 2026. ECF No. 8. Plaintiff
17 was required to file an opposition or statement of non-opposition within fourteen days of
18 defendant’s motion. See E.D. Cal. L.R. 230(c). To date, plaintiff has not done so.

19 The court has the inherent power to control its docket and may, in the exercise of that
20 power, impose sanctions where appropriate, including dismissal. *Bautista v. Los Angeles Cnty.*,
21 216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 (“Failure of counsel or of a party to
22 comply with these Rules or with any order of the Court may be grounds for imposition by the
23 Court of any and all sanctions . . . within the inherent power of the Court.”). A court may dismiss
24 an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure
25 to comply with local rules. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)
26 (dismissal for lack of prosecution and failure to comply with local rules).

27 I will give plaintiff a chance to explain why the court should not dismiss the case for his
28 failure to file a response to defendant’s motion. Plaintiff’s failure to respond to this order will
constitute another failure to comply with a court order and will result in dismissal of this action.
Accordingly, plaintiff is ordered to show cause within fourteen days why this case should not be
dismissed for failure to prosecute and failure to comply with court orders. Should plaintiff wish
to continue with this lawsuit, he shall file, within fourteen days, a response to defendant’s motion.

1 **Conclusion**

2 Accordingly, it is hereby ORDERED that:

- 3 1. Plaintiff's motion to remand, ECF No. 9, is DENIED.
- 4 2. Plaintiff is ordered to show cause within fourteen days why this case should not be
- 5 dismissed for failure to prosecute and failure to comply with court orders. Should
- 6 plaintiff wish to continue with this lawsuit, he shall file, within fourteen days, a
- 7 response to defendant's motion.

8

9 IT IS SO ORDERED.

10 Dated: October 13, 2026

11 
12 JEREMY D. PETERSON
13 UNITED STATES MAGISTRATE JUDGE