

LASC, Southwest District

Case No.: 11L02551

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAKE JS-6

CIVIL MINUTES -- GENERAL

Case No. CV-12-231-R

Date: JANUARY 12, 2012

Title: LENNOX SCHOOL DISTRICT -V- WILLIE MAYORA

=====
PRESENT: HONORABLE MANUEL L. REAL, JUDGE

William Horrell
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER (IN CHAMBERS) SUA SPONTE REMANDING ACTION TO STATE COURT

In this case, filed on January 10, 2012, pro se defendant seems to attempt to remove a state court unlawful detainer action to federal court, although he has not filed it as a "Notice of Removal" as should have been done, although, as detailed below, it would be an improper removal, but rather filed, as a new action, something entitled: "Defendant Willie Mayora's Notice of Motion and Motion to Dismiss etc." This Court construes this filing to be an attempted "Notice of Removal" of the state court action, in which pro se Willie Mayora is the defendant. This Court now rules as follows:

A district court must remand a case to state court "if at any time before final judgment it appears that the district court lacks subject matter jurisdiction." 28 U.S.C. 1447(c). Because this is an unlawful detainer action, a federal question does not present itself. See Indymac Federal Bank, F.S.B. v. Ocampo, No. CV 09-2337, 2010 WL 234828, *2 (C.D. Cal. Jan. 13, 2010) (sua sponte remanding an action to state court for lack of subject matter jurisdiction where plaintiff's complaint contained only an unlawful detainer claim). As such, this case is now REMANDED TO STATE COURT.

IT IS SO ORDERED.

cc: counsel of record

MINUTES FORM 11
CIVIL -- GEN

Initials of Deputy Clerk ___WH___