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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Stardom Real Estate LLC, on behalf of
Stardom Properties LLC,

10 Plaintiff,

11 v.

12 Neil Johnston, et al.,

13 Defendant.
14

No. CV-13-01474-PHX-GMS

ORDER

15 The present action was improperly removed and the Court lacks subject-matter
16 jurisdiction over it; accordingly, the Court remands this case to Maricopa County
17 Superior Court.

18 Federal courts are courts of limited jurisdiction, having subject-matter jurisdiction
19 only over those matters specifically authorized by Congress or the Constitution.
20 *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994). As the proponent of the
21 Court's jurisdiction, the removing defendant bears the burden of establishing it. *Abrego*
22 *Abrego v. The Dow Chemical Co.*, 443 F.3d 676, 685 (9th Cir. 2006).
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25 Although the Notice of Removal states that a claim in the present action arises
26 under federal law, a review of the complaint reveals that it is a straightforward forcible
27 detainer, otherwise known as an eviction action. And while it appears that Defendant Neil
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1 Johnston (“Defendant”) may assert a federal defense based on due process, the assertion
2 of a federal defense to a state-law claim does not convert the state-law claim into one
3 “arising under” federal law for purposes of federal question jurisdiction. *See Moore-*
4 *Thomas v. Alaska Airlines, Inc.*, 553 F.3d 1241, 1244 (9th Cir. 2009) (discussing the
5 “well-pleaded complaint rule”). Therefore, the Court has no federal question jurisdiction.
6 *See* 28 U.S.C. § 1331 (conferring on federal courts subject-matter jurisdiction over cases
7 arising under federal law).

10 To the extent that the Notice of Removal purports to invoke the Court’s diversity
11 jurisdiction under 28 U.S.C. § 1332, the requirements for diversity jurisdiction are also
12 not satisfied. In order to invoke the Court’s diversity jurisdiction, a defendant must show
13 both that he and plaintiff are not residents of the same state, and that the amount in
14 controversy exceeds \$75,000. *See* 28 U.S.C. § 1332 (setting forth requirements for
15 diversity jurisdiction). In addition, even when there is diversity between the parties, a
16 federal court may not exercise jurisdiction where the moving defendant is a resident of
17 the forum state. 28 U.S.C. § 1441(b). Here, the Court need not decide whether there is
18 diversity between the parties or whether the amount in controversy requirement is met as
19 Defendant reports his address as the property at issue in this action (located in Queen
20 Creek, Arizona); thus, he is clearly a forum defendant who may not remove a state-court
21 action. *See id.*

26 Furthermore, to the extent that Defendant is attempting to appeal the state court’s
27 final judgment in the forcible detainer action, jurisdiction would not be proper in this case
28 because federal jurisdiction is barred under the *Rooker-Feldman* doctrine. *See Albrecht v.*

1 *Demuniz*, 315 F. App'x 654, 2009 WL 2914215, at *1 (9th Cir. 2009) (affirming the
2 district court's *sua sponte* dismissal of a pro se defendant's appeal of a state court
3 judgment under the *Rooker-Feldman* doctrine). The *Rooker-Feldman* doctrine bars
4 federal district courts from considering "cases brought by state-court losers complaining
5 of injuries caused by state-court judgments rendered before the district court proceedings
6 commenced and inviting district court review and rejection of those judgments." *Exxon*
7 *Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280 (2005).
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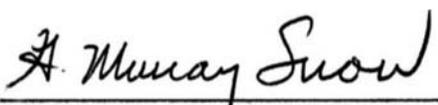
10 In the absence of subject-matter jurisdiction, this Court is empowered to *sua*
11 *sponte* order summary remand. See 28 U.S.C. § 1446(c)(4) (requiring district courts to
12 examine notices of removal and their exhibits and authorizing summary remand in
13 appropriate circumstances); 28 U.S.C. § 1447(c) (requiring district courts to remand cases
14 if it appears, at any time before final judgment is entered, that the court lacks subject-
15 matter jurisdiction).
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18 **IT IS ORDERED** that the Clerk of the Court **REMAND** this action back to
19 Maricopa County Superior Court.

20 **IT IS FURTHER ORDERED** denying the Motion to Proceed in Forma Pauperis
21 (Doc. 2).

22 **IT IS FURTHER ORDERED** finding the Expedited Motion to Remand (Doc. 6)
23 as moot.

24 Dated this 30th day of July, 2013.

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27 _____
28 G. Murray Snow
United States District Judge