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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Wells Fargo Bank, N.A.,

No. CV 12-08255-PCT-FJM

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Plaintiff,

ORDER

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vs.

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Marley Foglesong, et al.,

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Defendant.

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Before the court is plaintiff's motion to remand (doc. 7). Defendant did not respond to the motion and the time for doing so has long since expired. See LRCiv 7.2(c). Defendant's failure to respond to the motion may be deemed a consent to the granting of the motion and we may dispose of the motion summarily. LRCiv 7.2(i).

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On December 10, 2012, plaintiff filed an action for forcible entry and detainer in the Yavapai County Superior Court pursuant to A.R.S. 12-1171. Defendant removed the action to this court on December 17, 2012. Plaintiff argues that there is no basis to remove the action to federal court because it arises solely under state law. Defendant has the burden of establishing that removal was proper. Hunter v. Philip Morris USA, 582 F.3d 1039, 1042 (9th Cir. 2009). Defendant has failed to meet his burden.

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Accordingly, **IT IS ORDERED GRANTING** plaintiff's motion to remand this action to Yavapai County Superior Court (doc. 7).

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DATED this 19th day of February, 2013.

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Frederick J. Martone

Frederick J. Martone
United States District Judge