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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Deutsche Bank National Trust Company
Americas,

10 Plaintiff,
11

12 v.

13 Pascal Laveyne, et al.,

14 Defendants.

No. CV-14-08107-PCT-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 Coconino County
17 Superior Court for the following reasons.
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19 Federal courts are courts of limited jurisdiction, having subject-matter jurisdiction
20 only over those matters specifically authorized by Congress or the Constitution.
21 *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994). As the proponent of the
22 Court's jurisdiction, the removing defendant bears the burden of establishing it. *Abrego*
23 *Abrego v. The Dow Chemical Co.*, 443 F.3d 676, 685 (9th Cir. 2006).
24

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
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1 Steven Hardman (“Defendant”) may assert a federal defense based on due process, the
2 assertion of a federal defense to a state-law claim does not convert the state-law claim
3 into one “arising under” federal law for purposes of federal question jurisdiction. *See*
4 *Moore-Thomas v. Alaska Airlines, Inc.*, 553 F.3d 1241, 1244 (9th Cir. 2009) (discussing
5 the “well-pleaded complaint rule”). Therefore, the Court has no federal question
6 jurisdiction. *See* 28 U.S.C. § 1331 (conferring on federal courts subject-matter
7 jurisdiction over cases arising under federal law).
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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
13 show 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 Flagstaff,
20 Arizona); thus, he is clearly a forum defendant who may not remove a state-court action.
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22 *See id.*
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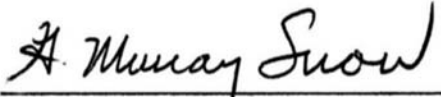
26 Furthermore, to the extent that Defendant is attempting to appeal the state court’s
27 final judgment in the forcible detainer action, jurisdiction would not be proper in this case
28 because federal jurisdiction is barred under the *Rooker-Feldman* doctrine. *See Albrecht v.*

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 THEREFORE ORDERED** that the Clerk of the Court **REMAND** this
19 action back to Coconino County Superior Court.

20 Dated this 30th day of June, 2014.

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23 _____
24 G. Murray Snow
25 United States District Judge
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