

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

|          |                                                                                 |      |                  |
|----------|---------------------------------------------------------------------------------|------|------------------|
| Case No. | CV-08-5797-CAS (MANx)                                                           | Date | October 16, 2008 |
| Title    | Downey Savings and Loan Association, F.A. v. Guadalupe Arteaga Contreras et al. |      |                  |

|                                   |                                   |          |  |
|-----------------------------------|-----------------------------------|----------|--|
| Present: The Honorable            | CHRISTINA A. SNYDER               |          |  |
| CATHERINE JEANG                   | Not Present                       | N/A      |  |
| Deputy Clerk                      | Court Reporter / Recorder         | Tape No. |  |
| Attorneys Present for Plaintiffs: | Attorneys Present for Defendants: |          |  |
| Not Present                       | Not Present                       |          |  |

**Proceedings: (IN CHAMBERS): ORDER TO SHOW CAUSE RE: WHY ACTION SHOULD NOT BE REMANDED FOR LACK OF SUBJECT MATTER JURISDICTION**

## I. INTRODUCTION

On August 19, 2008, plaintiff Downey Savings and Loan Association, F.A. filed an unlawful detainer action in Los Angeles County Superior Court against defendants Guadalupe Arteaga Contreras, and Does 1 through 10, inclusive. Plaintiff alleges that it purchased property located at 6914 Lubao Avenue, Canoga Park, California 91306 (“the property”), at a trustee’s sale following foreclosure proceedings. Compl. ¶ 5. Plaintiff further alleges that it served defendants, who allegedly occupied the property without consent, a written notice requiring delivery of the property within three days. *Id.* ¶ 8. Defendants allegedly refused to vacate and deliver possession of the property. *Id.* ¶ 10. On September 3, 2008, defendants timely removed the instant action to this Court on the basis of federal question jurisdiction, pursuant to 28 U.S.C. § 1331. Notice of Removal 2:4-8.

The question of whether a claim arises under federal law, for purposes of 28 U.S.C. § 1331, must be determined by reference to the complaint. Franchise Tax Bd. v. Constr. Laborers Trust, 463 U.S. 1, 9-10 (1983). If it “appears from the ... statement of the plaintiff that the right to relief depends upon the construction or application of the Constitution or laws of the United States,” this Court will have jurisdiction. Smith v. Kansas City Title & Trust Co., 255 U.S. 180, 199 (1921).

Defendants fail to allege that plaintiff’s claim arises under any federal law.

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Defendants merely allege that federal jurisdiction results from the defendants's discovery request and demands for "the original blue inked promissory note." Notice of Removal 2:5-7. Without a showing that plaintiff's right to relief depends on a substantial question of federal law, this Court cannot exercise jurisdiction over this action pursuant to 28 U.S.C. § 1331.

Plaintiff is hereby ORDERED to SHOW CAUSE on or before October 31, 2008, why the instant action should not be remanded for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Initials of Preparer 00 : 00  
CMJ