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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

**CIVIL MINUTES - GENERAL**

Case No.	CV 09-6480 PSG (FMOx)	Date	September 24, 2009
Title	Aurora Loan Services LLC v. Rafael Ruiz, <i>et al.</i>		

Present: The Honorable Philip S. Gutierrez, United States District Judge

Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

**Proceedings: (In Chambers) Remand Order**

On September 23, 2009, Defendants Rafael Ruiz and Diego Ruiz (“Defendants”) filed a notice of removal of an unlawful detainer action brought by Plaintiff Aurora Loan Services LLC (“Plaintiff”). After reviewing Defendants’ notice of removal and the underlying complaint, the Court finds that it lacks subject matter jurisdiction over this case. *See Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1116 (9th Cir. 2004) (observing that a court is required to consider *sua sponte* whether it has subject matter jurisdiction).

The well-pleaded complaint rule requires a federal question to be evident from the face of the plaintiff’s complaint for jurisdiction under 28 U.S.C. § 1331 to exist. *See Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392, 107 S. Ct. 2425, 96 L. Ed. 2d 318 (1987). Here, the complaint only asserts a claim for unlawful detainer, a cause of action that is purely a matter of state law. Thus, from the face of the complaint, it is clear that no basis for federal question jurisdiction exists.

Furthermore, the Court notes that there is no diversity jurisdiction in this matter. For a federal court to exercise diversity jurisdiction, there must be “complete” diversity between the parties and the amount in controversy requirement must be met. *See Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 267, 2 L. Ed. 435 (1806); 28 U.S.C. § 1332(a). Here, Defendants’ notice of removal fails to establish complete diversity of citizenship. Also, from the face of Plaintiff’s complaint, it is apparent that Defendants will be unable to prove that the amount in controversy exceeds \$75,000, exclusive of attorney’s fees and costs. Thus, diversity jurisdiction is lacking.

For the foregoing reasons, the Court finds that it lacks subject matter jurisdiction over this

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matter and, therefore, REMANDS the case.

**IT IS SO ORDERED.**