



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## CIVIL MINUTES - GENERAL

Case No.	CV 10-8166 PA (PJWx)	Date	November 9, 2010
Title	U.S. Bank National Association, et al. v. Salvador Escobar, et al.		

plaintiff's federal claim has been disguised by "artful pleading," such as where the only claim is a federal one or is a state claim preempted by federal law. Sullivan v. First Affiliated Sec., Inc., 813 F. 2d 1368, 1372 (9th Cir. 1987).

Here, the Complaint contains a single cause of action for unlawful detainer. No federal claim is alleged. Further, Defendant does not allege that the Complaint contains a federal claim in disguise, or that the unlawful detainer claim is preempted by federal law. Instead, Defendant alleges that federal question jurisdiction exists because he intends to bring a "cross-complaint" against Plaintiff for certain violations of the federal Truth in Lending Act, 15 U.S.C. §§ 1601, et seq. and the Real Estate Settlement Procedures Act, 12 U.S.C. §§ 2601, et seq. However, just as a federal defense does not form a basis for removal, neither does an actual or anticipated federal counterclaim form a basis for removal. Vaden v. Discover Bank, \_\_ U.S. \_\_, 129 S. Ct. 1262, 1272, 173 L. Ed. 2d 206 (2009).

For the foregoing reasons, Defendant has failed to meet his burden of showing that federal question jurisdiction exists over this action. Accordingly, because the Court lacks subject matter jurisdiction, this action is hereby remanded to the Los Angeles County Superior Court, Case No. 10000013. See 28 U.S.C. § 1447(c).

IT IS SO ORDERED.