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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 11-05139 MMM (CWx)

Date June 24, 2011

Title *Aurora Loan Services LLC v. Guy Quinteros Sr et al*

Present: The Honorable MARGARET M. MORROW

ANEL HUERTA

None

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: Order Remanding Case to Los Angeles Superior Court

On April 11, 2011, Aurora Loan Services, LLC (“Aurora”) filed an unlawful detainer action against Guy Quinteros, Sr. and certain fictitious defendants in Los Angeles Superior Court. The complaint involves a post-foreclosure eviction, and states that the amount of damages sought does not exceed \$10,000. On June 20, 2011, defendant removed the action to this court.

On June 23, 2011, the court issued a notice of procedural defect in removal, noting that defendant is a citizen of California and therefore was not permitted, under the forum-defendant rule, to remove a case to federal court based on diversity jurisdiction. The court noted, however, that it could not *sua sponte* remand a case based on a procedural defect in removal. Thus, if plaintiff did not file a motion to remand the action to state court, the court would assume that plaintiff waived any procedural objections it would otherwise be entitled to assert to defendant’s notice of removal.

On June 24, 2011, plaintiff filed a motion to remand the case to state court. The court, therefore, grants plaintiff’s motion to remand the case based on the procedural defect in removal and directs the clerk to remand this action to Los Angeles Superior Court forthwith.