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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY CP

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ALBERT LAO,
Plaintiff,

v.

LAROME BROWNLEE, *et al.*,
Defendant.

Case No. CV 12-3079 UA (DUTYx)

**ORDER SUMMARILY
REMANDING IMPROPERLY-
REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On April 9, 2012, Defendant LaRome Brownlee, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in

1 the first place, in that Defendants do not competently allege facts supplying either
2 diversity or federal-question jurisdiction, and therefore removal is improper. 28
3 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,
4 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete diversity of
5 citizenship exists, the amount in controversy does not exceed the diversity-
6 jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
7 contrary, the unlawful-detainer complaint recites that the amount in controversy
8 does not exceed \$10,000. ~~Moreover, because Defendant resides in the forum state,~~
9 ~~Defendant cannot properly remove the action, to the extent diversity jurisdiction is~~
10 ~~asserted. 28 U.S.C. § 1441(b).~~

11 Nor does Plaintiff's unlawful detainer action raise any federal legal question.
12 *See* 28 U.S.C. §§ 1331, 1441(b).

13 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
14 Superior Court of California, Los Angeles County, West District, Santa Monica
15 Courthouse, 1725 Main Street, Santa Monica, CA 90401, for lack of subject matter
16 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy
17 of this Order to the state court; and (3) that the Clerk serve copies of this Order on
18 the parties.

19 IT IS SO ORDERED.

20
21 Dated: 4/27/12



AUDREY B. COLLINS
CHIEF UNITED STATES DISTRICT JUDGE

