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

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 Deutsche Bank National Trust Company)

12 Plaintiff,)

13 vs.)

14 Luis Cristobal Villa et al)

15 Defendants.)
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CASE NO. CV 12-3323 UA (SH)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

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

19 On April 17, 2012, Defendant Kaniel Huff, having been sued in what appears
20 to be a routine unlawful detainer action in California state court, lodged a Notice Of
21 Removal of that action to this Court and also presented an application to proceed *in forma*
22 *pauperis*. The Court has denied the latter application under separate cover because the
23 action was not properly removed. To prevent the action from remaining in jurisdictional
24 limbo, the Court issues this Order to remand the action to state court.

25 Simply stated, Plaintiff could not have brought this action in federal court in
26 the first place, in that Defendants do not competently allege facts supplying either diversity
27 or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a);
28 *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S.Ct. 2611, 162

1 L.Ed.2d 502 (2005). Even if complete diversity of citizenship exists, the amount in
2 controversy does not exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
3 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint recites that the
4 amount in controversy does not exceed \$10,000. Nor does Plaintiff's unlawful detainer
5 action raise any federal legal question. See 28 U.S.C. §§ 1331, 1441(b).

6 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
7 Superior Court of California, Los Angeles County, 505 South Centre Street, San Pedro
8 Courthouse, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2)
9 that the Clerk send a certified copy of this Order to the state court; and (3) that the Clerk
10 serve copies of this Order on the parties.

11 IT IS SO ORDERED.

12 DATED: 4/25/2012

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16 AUDREY B. COLLINS
17 CHIEF UNITED STATES DISTRICT JUDGE
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