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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 Wells Fargo Bank

Plaintiff,

12 vs.

13 Justino Perez et al

14 Defendants.
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CASE NO. 12-3673 UA (SH)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

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

19 On April 27, 2012, defendant Carmela Martinez, having been sued in what
20 appears to be a routine unlawful detainer action in California state court, lodged a Notice
21 Of Removal of that action to this Court and also presented an application to proceed
22 *in forma pauperis*. The Court has denied the latter application under separate cover
23 because the action was not properly removed. To prevent the action from remaining in
24 jurisdictional 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, East District, 350 W. Mission Bl.,
8 Pomona, CA 91766, for lack of subject matter jurisdiction pursuant to 28 U.S.C.
9 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3)
10 that the Clerk serve copies of this Order on the parties.

11 IT IS SO ORDERED.

12 DATED: MAY -2 2012

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16 ~~AUDREY B. COLLINS~~
17 ACTING CHIEF UNITED STATES DISTRICT JUDGE
18 DEAN D. PREGERSON
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