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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 DEUTSCHE BANK NATIONAL
11 TRUST COMPANY, AS TRUSTEE,

Plaintiff,

12 v.

13 JUAN CARLOS SERRANO, et al.,

14 Defendants.
15

No. CV 12-4076 UA (DUTYx)

ORDER SUMMARILY REMANDING
ACTION TO STATE COURT

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

18 On April 6, 2012, Defendants Alfredo Paez and Marco Paez (“Defendants”),
19 having been sued in what appears to be a routine unlawful detainer action in California
20 state court, lodged a Notice of Removal of that action to this Court and also presented
21 two separate applications to proceed *in forma pauperis* (“IFP”). The Court denied the
22 IFP applications and issued an Order to remand the action to state court.

23 On May 10, 2012, Defendants again filed a Notice of Removal of the same state
24 court action, which now appears to be on appeal. As the Court previously determined,
25 Plaintiff could not have brought this action in federal court in the first place, in that
26 Defendants do not competently allege facts supplying either diversity or federal-question
27 jurisdiction, and therefore removal is improper. 28 U.S.C § 1441(a); *see Exxon Mobil*
28 *Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502


1 (2005). Even if complete diversity of citizenship exists, the amount in controversy does
2 not exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C. § 1332,
3 1441(b). On the contrary, the unlawful-detainer complaint recites that the amount in
4 controversy does not exceed \$10,000. Moreover, because Defendants reside in the
5 forum state, Defendants cannot properly remove the action, to the extent diversity
6 jurisdiction is asserted. 28 U.S.C. § 1441(b).

7 Nor does Plaintiff's unlawful detainer action raise any federal legal question. See
8 28 U.S.C. §§ 1331, 1441(b).

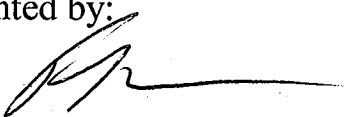
9 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
10 Superior Court of California, Los Angeles County, North Valley District, Chatsworth
11 Courthouse, 9425 Penfield Avenue, Chatsworth, CA 91311, for lack of subject matter
12 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of
13 this Order to the state court; and (3) that the Clerk serve copies of this Order on the
14 parties.

15 IT IS SO ORDERED.

16
17 DATED: 5/16/2014

18 
19 AUDREY B. COLLINS
20 United States District Judge

21 Presented by:

22 
23 /S/ FREDERICK F. MUMM
24 FREDERICK F. MUMM
25 United States Magistrate Judge
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