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

BY: _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

v.

ROBERT ALAN LIPP, et al.,

Defendants.

No. CV 12-04359-UA (VBK)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this "Verified Complaint for Unlawful Detainer (residential) (demand for complaint is less than \$10,000.00) Action Based on Code of Civil Procedure Section 1161a", Case No. 12 U00474, to state court summarily because Defendant removed it improperly.

On May 18, 2012, Defendant Robert Alan Lipp, 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

1 remand the action to state court.

2 Simply stated, Plaintiff could not have brought this action in
3 federal court in the first place, in that Defendant does not
4 competently allege facts supplying either diversity or federal-
5 question jurisdiction, and therefore removal is improper. 28 U.S.C.
6 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
7 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete
8 diversity of citizenship exists, the amount in controversy does not
9 exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
10 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint
11 recites that the amount in controversy does not exceed \$10,000.

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

14 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to
15 the Superior Court of California, Los Angeles County, Antelope Valley
16 Courthouse, 42011 Fourth Street West, Lancaster, California 93534 for
17 lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c);
18 (2) that the Clerk send a certified copy of this Order to the state
19 court; and (3) that the Clerk serve copies of this Order on the
20 parties.

21 **IT IS SO ORDERED.**

22
23 DATED: May 24, 2008

Audrey B. Collins
HONORABLE AUDREY B. COLLINS
CHIEF UNITED STATES DISTRICT JUDGE