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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CATHAY BANK, a California	)	Case No. CV 12-08341 DDP (FMOx)
Banking corporation,	)	
	)	
Plaintiff,	)	<b>ORDER TO SHOW CAUSE WHY THIS</b>
	)	<b>ACTION SHOULD NOT BE REMANDED FOR</b>
v.	)	<b>LACK OF JURISDICTION</b>
	)	
MICHAEL WESTON, an	)	
individual,	)	
	)	
Defendant.	)	
_____	)	

Defendant is ordered to show cause why this action should not be remanded to state court for lack of subject matter jurisdiction. Plaintiff filed an unlawful detainer complaint on July 25, 2012. On September 27, 2012, Defendant removed to this court, asserting federal question jurisdiction. (Notice of Removal 2:18-3:6.)

Under 28 U.S.C. § 1441(b), a defendant may remove to federal court “[a]ny civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States . . . .” “Under the longstanding well-pleaded complaint rule, however, a suit ‘arises under’ federal law only when the plaintiff’s statement

1 of his own cause of action shows that it is based upon federal  
2 law." Vaden v. Discover Bank, 556 U.S. 49, 60 (2009) (internal  
3 quotation marks and citation omitted). "Federal law cannot be  
4 predicated on an actual or anticipated defense . . . . Nor can  
5 federal question jurisdiction rest upon an actual or anticipated  
6 counterclaim." Id. (citations omitted). Here, nothing on the face  
7 of Plaintiff's complaint suggests a federal question, and Defendant  
8 offers no support for his assertion that the matter presents a  
9 federal question.

10 The court notes that the Defendant has the burden of  
11 establishing removal jurisdiction. Accordingly, the court orders  
12 Defendant to file a brief, not to exceed ten pages, by Monday,  
13 November 5, 2012 showing cause why this action should not be  
14 remanded for lack of jurisdiction. Defendant should also deliver a  
15 courtesy copy to chambers, Room 244-J, Second Floor, 312 N. Spring  
16 Street, Los Angeles. The court will regard any failure to file an  
17 explanatory brief as consent to remand this matter.

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IT IS SO ORDERED.

Dated: October 26, 2012

  
DEAN D. PREGERSON  
United States District Judge