



8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 THR CALIFORNIA, LLC,

12 Plaintiff,

13 v.

14 HENRY CLARENCE BROWN, et
15 al.,

16 Defendants.

NO. CV 12-10305-UA (DUTYx)

**ORDER SUMMARILY
REMANDING IMPROPERLY
REMOVED ACTION**

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

20 On December 3, 2012, Defendant William Brown ("Defendant"), having
21 been sued in an unlawful detainer action in California state court, lodged a Notice
22 of Removal ("Notice") of that action to this Court and also filed a request to
23 proceed *in forma pauperis*. The Court has denied the latter request under
24 separate cover because the action was not properly removed. To prevent the
25 action from remaining in jurisdictional limbo, the Court issues this Order to
26 remand the action to state court.

27 Simply stated, Plaintiff could not have brought this action in federal court in
28 the first place in that the complaint does not competently allege facts supporting

1 jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); see *Exxon*
2 *Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L.
3 Ed. 2d 502 (2005). Defendant alleges that “Defendants’ demurrer, a pleading
4 depend on the determination of Defendants’ rights and Plaintiff’s duties under
5 federal law.” (Notice at 2.) However, Plaintiff does not allege any federal cause
6 of action. (See *id.*, Ex. A, Complaint.) Nor does it appear that federal law is a
7 necessary element of Plaintiff’s claim. Thus, Defendant has not alleged facts
8 establishing the existence of a federal question on the face of the complaint.

9 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
10 Superior Court of California, Los Angeles County, Stanley Mosk Courthouse, 110
11 North Grand Avenue, Los Angeles, CA 90012 for lack of subject matter
12 jurisdiction pursuant to 28 U.S.C. § 1447(c); and (2) the Clerk send a certified
13 copy of this Order to the state court.

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16 DATED: 1/11/13



GEORGE H. KING
United States District Judge