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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 GB INLAND PROPERTIES, LLC, )  
12 Plaintiff, )

13 vs. )

14 MARLON TORRES, )  
15 Defendants. )  
16

CASE NO. CV 13-1576 UA (RZ)

ORDER SUMMARILY REMANDING  
IMPROPERLY-REMOVED ACTION

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

19 On March 4, 2013, Defendant Marlon Torres, having been sued in what  
20 appears to be a routine post-foreclosure unlawful detainer action in California state court,  
21 lodged a Notice Of Removal of that action to this Court and also presented an application  
22 to proceed *in forma pauperis*. The Court has denied the latter application under separate  
23 cover because the action was not properly removed. To prevent the action from remaining  
24 in jurisdictional limbo, the Court issues this Order to remand the action to state court.

25 Simply stated, Plaintiff GB Inland Properties, LLC could not have brought  
26 this action in federal court in the first place, in that neither diversity jurisdiction nor  
27 federal-question jurisdiction exists, and therefore Defendant is not allowed to remove the  
28 action. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,

1 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). It is not clear whether Plaintiff is diverse  
2 from Defendant, but Defendant does not assert diversity jurisdiction in any event. (For  
3 purposes of diversity jurisdiction, a limited liability company is a citizen of every state of  
4 which its owners/members are citizens. *Johnson v. Columbia Properties Anchorage, LP*,  
5 437 F.3d 894, 899 (9th Cir. 2006). Plaintiff's members' citizenship is not stated in the  
6 removal notice.) But even if complete diversity of citizenship existed and if Defendant  
7 had relied upon such jurisdiction, the amount in controversy in the removed action does  
8 not exceed the jurisdictional threshold of \$75,000. On the contrary, Plaintiff's unlawful-  
9 detainer complaint bears a caption indicating that the amount in controversy does not  
10 exceed \$10,000. Also, because Defendant resides in the forum state, Defendant cannot  
11 properly remove the action, at least to the extent diversity jurisdiction is asserted. 28  
12 U.S.C. § 1441(b).

13 Nor does Plaintiff's unlawful detainer action raise any federal legal question.  
14 Defendant asserts in his Notice of Removal that Plaintiff has violated numerous federal  
15 laws in the months preceding the unlawful detainer action, but that is immaterial. "For  
16 better or for worse . . . a defendant may not remove a case to federal court" based on a  
17 federal question "unless the *plaintiff's complaint* establishes that the case 'arises under'  
18 federal law." *Franchise Tax Bd. v. Construction Laborers Etc.*, 463 U.S. 1, 10, 103 S.Ct.  
19 2841, 77 L.Ed.2d 420 (1983) (emphasis in original).

20 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
21 Superior Court of California, Los Angeles County, for lack of subject matter jurisdiction  
22 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to  
23 the state court; and (3) that the Clerk serve copies of this Order on the parties.

24 IT IS SO ORDERED.

25 DATED: 3/19/13



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GEORGE H. KING  
CHIEF UNITED STATES DISTRICT JUDGE