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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

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11 PALMWOOD PROPERTY ASSOCIATES, )  
12 LLC, )

13 Plaintiff,

14 vs.

15 JESSICA MILSAP, )

16 Defendants. )  
17

CASE NO. CV 13-1661 UA (RZ)

ORDER SUMMARILY REMANDING  
IMPROPERLY-REMOVED ACTION

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

20 On March 8, 2013, Defendant Jessica Milsap, having been sued in what  
21 appears to be a routine unlawful detainer action in California state court, lodged a Notice  
22 Of Removal of that action to this Court and also presented an application to proceed *in*  
23 *forma pauperis*. The Court has denied the latter application under separate cover because  
24 the action was not properly removed. To prevent the action from remaining in  
25 jurisdictional limbo, the Court issues this Order to remand the action to state court.

26 Simply stated, Plaintiff Palmwood Property Associates, LLC could not have  
27 brought this action in federal court in the first place, in that neither diversity jurisdiction  
28 nor federal-question jurisdiction exists, and therefore Defendant is not allowed to remove

1 the action. 28 U.S.C. § 1441(a); see *Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S.  
2 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). It is not clear whether Plaintiff is  
3 diverse from Defendant, but Defendant does not assert diversity jurisdiction in any event.  
4 (For purposes of diversity jurisdiction, a limited liability company is a citizen of every  
5 state of which its owners/members are citizens. *Johnson v. Columbia Properties*  
6 *Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Plaintiff's members' citizenship is not  
7 stated in the removal notice.) But even if complete diversity of citizenship existed and if  
8 Defendant had relied upon such jurisdiction, the amount in controversy in the removed  
9 action does not exceed the jurisdictional threshold of \$75,000. On the contrary, Plaintiff's  
10 unlawful-detainer complaint bears a caption indicating that the amount in controversy does  
11 not exceed \$10,000. Also, because Defendant resides in the forum state, Defendant cannot  
12 properly remove the action, at least to the extent diversity jurisdiction is asserted. 28  
13 U.S.C. § 1441(b).

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

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

25 IT IS SO ORDERED.

26 DATED: 3/14/13

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GEORGE H. KING  
CHIEF UNITED STATES DISTRICT JUDGE