



1 court, apparently on the basis of both federal question and  
2 diversity jurisdiction. (Notice of Removal at 4,6.)

3 Under 28 U.S.C. § 1441(b), a defendant may remove to federal  
4 court “[a]ny civil action of which the district courts have  
5 original jurisdiction founded on a claim or right arising under the  
6 Constitution, treaties or laws of the United States . . . .”  
7 “Under the longstanding well-pleaded complaint rule, however, a  
8 suit ‘arises under’ federal law only when the plaintiff’s statement  
9 of his own cause of action shows that it is based upon federal  
10 law.” Vaden v. Discover Bank, 556 U.S. 49, 60 (2009) (internal  
11 quotation marks and citation omitted). “Federal law cannot be  
12 predicated on an actual or anticipated defense . . . . Nor can  
13 federal question jurisdiction rest upon an actual or anticipated  
14 counterclaim.” Id. (citations omitted) Here, nothing on the face  
15 of Plaintiff’s complaint suggests a federal question.

16 Alternatively, a federal court may exercise diversity  
17 jurisdiction when there is complete diversity between the parties  
18 and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332.  
19 It appears from Plaintiff’s complaint, however, that an amount well  
20 under \$75,000, and indeed well under \$10,000, is at issue.  
21 (Complaint at 1, 3.)

22 The court notes that Defendants have the burden of  
23 establishing removal jurisdiction. Accordingly, the court orders  
24 Defendants to file a brief, not to exceed ten pages, by Wednesday,  
25 April 17, 2013 showing cause why this action should not be remanded  
26 for lack of jurisdiction. Defendants should also deliver a  
27 courtesy copy to chambers, Room 244-J, Second Floor, 312 N. Spring  
28

1 Street, Los Angeles. The court will regard any failure to file an  
2 explanatory brief as consent to remand this matter to state court.

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4 IT IS SO ORDERED.

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7 Dated: April 5, 2013



DEAN D. PREGERSON  
United States District Judge

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