

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **CV 13-01956-MWF (Ex)**

Date: **April 10, 2013**

Title: Bank of America, N.A. -v- Antonio Garcia, Jr.

PRESENT: HONORABLE MICHAEL W. FITZGERALD, U.S. DISTRICT
JUDGE

Rita Sanchez
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANTS:

None Present

None Present

PROCEEDINGS (IN CHAMBERS): ORDER TO SHOW CAUSE RE
JURISDICTION

On March 19, 2013, Defendant removed this action to federal court (“Removal”). (Docket No. 1). The jurisdictional allegations appear to be defective. Defendant does not sufficiently allege any form of federal jurisdiction over this action. Defendant appears to assert the existence of federal question jurisdiction. However, this action is one for unlawful detainer, a state law claim. Accordingly, Defendant at most alleges the existence of a federal defense, which is an insufficient basis on which to find federal question jurisdiction. *See Caterpillar Inc., v. Williams*, 482 U.S. 386, 393, 107 S.Ct. 2425, 96 L.Ed. 2d 318 (1987) (“Thus, it is now settled law that a case may not be removed to federal court on the basis of a federal defense, including the defense of pre-emption, even if the defense is anticipated in the plaintiff’s complaint, and even if both parties concede that the federal defense is the only question truly at issue.”); *see also Bank of New York Mellon v. Lee*, 2012 WL 1977311, at *2 (C.D. Cal. May 31, 2012) (applying rule that federal defenses do not confer jurisdiction on a federal court).

Accordingly, the Court **ORDERS DEFENDANT TO SHOW CAUSE, in writing**, by no later than **April 29, 2013**, why this action should not be remanded to state court for lack of jurisdiction. Failure of Defendant to respond by the above date will result in the Court’s remanding the action.

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The Court may not provide advice to *any* party, including persons who are not represented by a lawyer. (Such persons are known as “pro se litigants.”) However, this District does have a “Pro Se Clinic” that can provide information and assistance about many aspects of civil litigation in this Court. The Clinic is administered by Public Counsel, a public interest law firm, and it is staffed by lawyers and a paralegal. In order to benefit from the guidance that the Clinic may be in a position to provide, pro se litigants (in this case, Mr. Garcia) have to go there directly. The Pro Se Clinic is open to members of the public on Mondays, Wednesdays and Fridays, and is open from 9:30 a.m. to 12:00 p.m. (noon) and from 2:00 p.m. to 4:00 p.m. Individuals seeking assistance are seen on a first-come, first-served basis. The clinic is located in Room 525 on the 5th Floor of the U.S. Courthouse at 312 N. Spring Street, Los Angeles, California.

Although the Clinic does *not* provide assistance telephonically, a pro se litigant may call the Clinic to obtain further information. The telephone number is (213) 385-2977, ext. 270. Again, the Clinic does *not* provide any assistance over the telephone; the purpose of a telephone call would be *only* to get more information about the Clinic. In addition, the Court has information of importance to pro se litigants at the “Pro Se” link on its website, <http://www.cacd.uscourts.gov>.

IT IS SO ORDERED.