

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

JS 6

Case No. CV 13-2034 DSF (JEMx)

Date 3/25/13

Title Dong H. Kwak v. Claudia Zubia

Present: The  
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers) Order REMANDING Case to Superior Court of California, County of Los Angeles

This matter was removed from state court on March 21, 2013, based on federal question jurisdiction. The complaint filed by Plaintiff is a state law unlawful detainer complaint and does not state a federal cause of action. (See Notice of Removal.) In the Notice of Removal, Defendant attempts to allege various actions that would invoke federal jurisdiction including violations of the Real Estate Settlement Procedures Act and the Truth in Lending Act. Even if the Petition was construed as a counterclaim to the unlawful detainer action, it would not provide federal jurisdiction over the unlawful detainer action because federal jurisdiction is based on the plaintiff's complaint and not on any counterclaims or defenses that a defendant might assert. See Holmes Group, Inc. v. Vornado Air Circulation Sys., Inc., 535 U.S. 826, 830-32 (2002).

The case is REMANDED to the Superior Court of California, County of Los Angeles.

IT IS SO ORDERED.