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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DONALD WIDELL, doing	)	Case No. CV 13-02105 DDP (JCx)
business as ROYAL PROPERTY	)	
MANAGEMENT,	)	
	)	
Plaintiff,	)	
	)	<b>ORDER TO SHOW CAUSE</b>
v.	)	
	)	
MARIA ROSARIO ESPINOZA, LUIS	)	
ESCOBAR ESPINOZA; MIGUEL	)	
SANCHEZ,	)	
	)	
Defendants.	)	
_____	)	

Defendants are ordered to show cause why this action should not be remanded to state court for lack of subject matter jurisdiction. Plaintiff filed an unlawful detainer complaint on November 19, 2012. On March 22, 2013, Defendant removed to this court on the basis of federal question jurisdiction. (Notice of Removal at 3.)

Under 28 U.S.C. § 1441(b), a defendant may remove to federal court “[a]ny civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States . . . .”

1 "Under the longstanding well-pleaded complaint rule, however, a  
2 suit 'arises under' federal law only when the plaintiff's statement  
3 of his own cause of action shows that it is based upon federal  
4 law." Vaden v. Discover Bank, 556 U.S. 49, 60 (2009) (internal  
5 quotation marks and citation omitted). "Federal law cannot be  
6 predicated on an actual or anticipated defense . . . . Nor can  
7 federal question jurisdiction rest upon an actual or anticipated  
8 counterclaim." Id. (citations omitted) Here, nothing on the face  
9 of Plaintiff's complaint suggests a federal question.

10 The court notes that Defendants have the burden of  
11 establishing removal jurisdiction. Accordingly, the court orders  
12 Defendants to file a brief, not to exceed ten pages, by Monday,  
13 June 10, 2013 showing cause why this action should not be remanded  
14 for lack of jurisdiction. Defendants should also deliver a  
15 courtesy copy to chambers, Room 244-J, Second Floor, 312 N. Spring  
16 Street, Los Angeles. The court will regard any failure to file an  
17 explanatory brief as consent to remand this matter to state court.

18  
19 IT IS SO ORDERED.

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22 Dated: May 31, 2013

  
DEAN D. PREGERSON  
United States District Judge

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