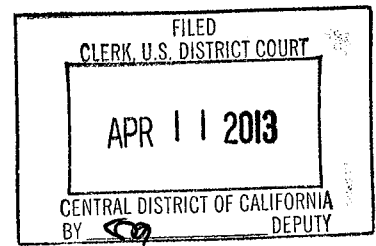


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARCHSTONE VENICE, LP)	CASE NO. CV 13-2159 UA (DUTYx)
)	
Plaintiff,)	
)	ORDER SUMMARILY REMANDING
vs.)	IMPROPERLY REMOVED ACTION
)	
JESSICA TURNEY, et al.,)	
)	
)	
Defendants.)	
)	

The Court remands this unlawful detainer action to state court summarily because it was improperly removed and this court lacks subject matter jurisdiction.

On March 26, 2013, Defendant Jessica Turney lodged a Notice of Removal ("Notice"), seeking to remove to this court what appears to be a routine California state court unlawful detainer action. [See Notice, Exhibit A.] Together with the removal notice, Defendant presented an application to proceed without prepayment of the filing fee. The Court has denied the latter application in a separate order because the action was not properly removed. To prevent the action

1 from remaining in jurisdictional limbo, the Court now issues this
2 order to remand the action to state court on the following grounds.

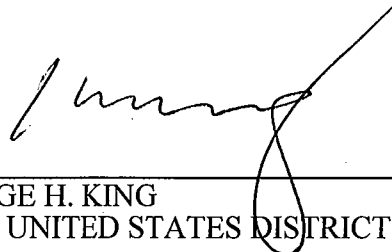
3 Plaintiff Archstone Venice, LP could not have brought this
4 action in federal court in the first instance, in that no basis for
5 original federal jurisdiction appears from the complaint, and the
6 Notice of Removal does not competently allege facts supporting either
7 diversity or federal-question jurisdiction; removal is therefore
8 improper. See 28 U.S.C. § 1441(a); Exxon Mobil Corp. v. Allapattah
9 Svcs., Inc., 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502
10 (2005). Specifically, citizenship of the parties is unclear from the
11 pleadings; and even if complete diversity of citizenship exists, the
12 amount in controversy does not exceed the jurisdictional threshold of
13 \$75,000. [See Notice, Exhibit A (Complaint-Unlawful Detainer,
14 alleging that amount demanded does not exceed \$10,000).]
15 Additionally, Defendant could not properly remove the action on the
16 basis of diversity jurisdiction in any event, because she resides in
17 California, the forum state. See 28 U.S.C. § 1441(b).

18 Nor does Plaintiff's unlawful detainer action raise any federal
19 legal question. See 28 U.S.C. §§ 1331, 1441(b). Defendant asserts in
20 her removal notice that Plaintiff violated various federal laws prior
21 to filing the unlawful detainer action, but that is immaterial. "For
22 better or for worse . . . a defendant may not remove a case to
23 federal court" on the basis of federal-question jurisdiction "unless
24 the plaintiff's complaint establishes that the case 'arises under'
25 federal law." Franchise Tax Bd. v. Const. Laborers Vacation Trust,
26 463 U.S. 1, 10, 103 S. Ct. 2841, 77 L. Ed. 2d 420 (1983).

1 Accordingly, this matter is **remanded** to the Superior Court of
2 California for the County of Los Angeles, for lack of subject matter
3 jurisdiction pursuant to 28 U.S.C. § 1447(c). The Clerk is directed
4 to send a certified copy of this order to the state court and to
5 serve copies of this order on the parties.

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7 **IT IS SO ORDERED.**

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9 DATED: 4/9, 2013

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13 _____
14 GEORGE H. KING
15 CHIEF UNITED STATES DISTRICT JUDGE
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