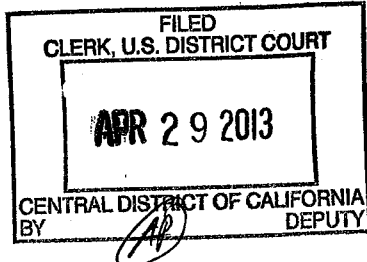


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UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

THE MADISON GROUP,	)	CASE NO. CV 13-2672 UA (DUTYx)
	)	
Plaintiff,	)	
	)	ORDER SUMMARILY REMANDING
vs.	)	IMPROPERLY-REMOVED ACTION
	)	
MORTON A. KAZMAN, M.D., et al.,	)	
	)	
	)	
Defendants.	)	

The Court remands this unlawful detainer action to state court summarily because it was improperly removed.

On April 17, 2013, Defendant Colleen McGovern 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 B.] 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 from remaining in jurisdictional limbo, the Court now issues this

1 order to remand the action to state court on the following grounds.

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

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

26 The Court further takes judicial notice of the dockets in Case  
27 No. 13-2560-UA-Duty and Case No. 13-1723-UA-DUTY, in which it appears

1 that Defendant's co-tenant Mr. Morton A. Kazman previously removed  
2 the same unlawful detainer case by filing substantially identical  
3 removal notices; the cases were summarily remanded for the same  
4 reasons stated above. The parties are notified and warned that any  
5 subsequent attempts to remove the underlying state unlawful detainer  
6 action to this Court will be improper and will constitute vexatious  
7 conduct that the Court may address by way of punitive remedial  
8 measures, which may include designation as a vexatious litigant and  
9 a bar from commencing any further removal actions with respect to the  
10 underlying state unlawful detainer proceeding.

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

16  
17 **IT IS SO ORDERED.**

18  
19 DATED: 4/23, 2013

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24 GEORGE H. KING  
25 CHIEF DISTRICT JUDGE