



1 § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S.Ct.  
2 2611, 162 L.Ed.2d 502 (2005). Defendant does not assert diversity jurisdiction. (Nor  
3 could Defendant successfully do so. Even if complete diversity of citizenship existed and  
4 if Defendant had relied upon such jurisdiction, the amount in controversy in the removed  
5 action does not exceed the jurisdictional threshold of \$75,000. On the contrary, Plaintiff's  
6 unlawful-detainer complaint bears a caption indicating that the amount in controversy does  
7 not exceed \$10,000. Also, because Defendant resides in the forum state, Defendant cannot  
8 properly remove the action, at least to the extent diversity jurisdiction is asserted. 28  
9 U.S.C. § 1441(b).)

10 Nor does Plaintiff's unlawful detainer action raise any federal legal question.  
11 Defendant implies in his Notice of Removal that federal-question jurisdiction is proper  
12 because Plaintiff violated federal laws laws pertaining to handicapped access and housing  
13 discrimination. *See* Ntc. at 2-3. But *Defendant's* contentions based on federal law are not  
14 relevant to removability. "For better or for worse . . . a defendant may not remove a case  
15 to federal court" based on a federal question "unless the *plaintiff's complaint* establishes  
16 that the case 'arises under' federal law." *Franchise Tax Bd. v. Construction Laborers Etc.*,  
17 463 U.S. 1, 10, 103 S.Ct. 2841, 77 L.Ed.2d 420 (1983) (emphasis in original).

18 Finally, even if removal were substantively proper, this particular removal  
19 *notice* is invalid because only one of the two named defendants signed it, with no  
20 explanation for the non-joinder by the other defendant, Nakia S. Porter-Berry. 28 U.S.C.  
21 § 1446(b)(2)(A); *see Hewitt v. City of Stanton*, 798 F.2d 1230, 1232 (9th Cir. 1986).

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1 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
2 Superior Court of California, Los Angeles County, for lack of subject matter jurisdiction  
3 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to  
4 the state court; and (3) that the Clerk serve copies of this Order on the parties.

5 IT IS SO ORDERED.

6 DATED: 7/28/13

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10 GEORGE H. KING  
11 CHIEF UNITED STATES DISTRICT JUDGE  
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