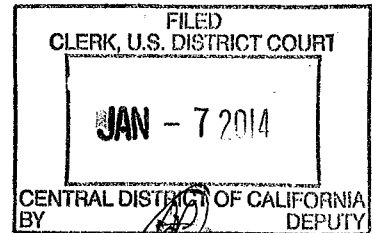


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANTHONY BUTLER,
Plaintiff,
vs.
JOHN DOE AKA MR. WILLIAMS, et al.,
Defendants.

CASE NO. CV 13-9193 UA (DUTYx)
ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

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

On December 13, 2013, Milford Johnson, who asserts that he is a defendant in what appears to be a routine unlawful detainer action in California state court,¹ lodged a Notice Of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the application under separate cover, because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

There is no basis for concluding that this unlawful detainer action could have been brought in federal court in the first place, in that Mr. Johnson does not competently allege

¹ Mr. Johnson is not named as a defendant in the complaint he seeks to remove.

1 facts supplying either diversity or federal question jurisdiction, and therefore, removal is
2 improper. 28 U.S.C. § 1441(a); see *Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S.
3 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). In his Civil Cover Sheet, Mr. Johnson
4 states that all parties reside in Los Angeles, California, and thus, it appears that they are
5 citizens of California. See *State Farm Mut. Auto Ins. Co. v. Dyer*, 19 F.3d 514, 520 (10th
6 Cir. 1994) (“the place of residence is *prima face* the domicile” for diversity jurisdiction
7 purposes); *Bergman v. Bank of America*, 2013 WL 5863057, at *1 n. 2 (N.D. Cal. Oct.
8 23, 2013) (when civil cover sheet alleged that plaintiffs resided in Santa Clara, California,
9 plaintiffs were treated as California citizens for diversity jurisdiction purposes in the
10 absence of evidence to the contrary). An action may not be removed on the basis of
11 diversity jurisdiction if the defendants are citizens of the state in which the action is
12 brought. 28 U.S.C. § 1441(b). Further, the amount in controversy does not exceed the
13 diversity jurisdiction threshold of \$75,000; indeed, the unlawful detainer complaint
14 expressly alleges that the amount demanded is “less than \$10000.” See 28 U.S.C.
15 § 1332(a). Finally, plaintiff’s unlawful detainer complaint does not raise any federal legal
16 question. See 28 U.S.C. §§ 1331, 1441(a).

17 Accordingly, IT IS ORDERED that: (1) this matter be REMANDED to the Superior
18 Court of California, Los Angeles County, 110 N. Grand Avenue, Los Angeles CA 90012,
19 for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) the Clerk shall
20 send a certified copy of this Order to the state court; and (3) the Clerk shall serve copies
21 of this Order on the parties.

22 IT IS SO ORDERED.

23
24 DATED: 12/30/17

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27 _____
28 GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE