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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MYRLE APARTMENTS, LLC,
 Petitioner,
 v.
 BRUCE COLLVER, LAUREN COLLVER,
 PATSY WATT, and DOES 1 through
 25, Inclusive,
 Respondent.

Case No. CV 14-01661 UA
ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly. Defendant Bruce Collver, Lauren Collver, Patsy Watt, and Does 1 through 25, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed.

1 To prevent the action from remaining in jurisdictional
2 limbo, the Court issues this Order to remand the action.

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4 Simply stated, this action could not have been originally
5 filed in federal court because the complaint does not allege
6 facts supporting either diversity or federal-question
7 jurisdiction, and therefore removal is improper. 28 U.S.C.
8 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545
9 U.S. 546, 563 (2005). Defendant's notice of removal only asserts
10 that removal is proper based upon federal question jurisdiction.
11 (Notice at 1, 4). However, a review of the Notice reveals that
12 if any federal question exists, it exists only as an affirmative
13 defense. (Notice at 2-5). Accordingly, the action cannot be
14 removed to federal court. Merrell Dow Pharmaceuticals, Inc. v.
15 Thompson, 478 U.S. 804, 808 (1986) ("[a] defense that raises a
16 federal question is inadequate to confer federal jurisdiction.").

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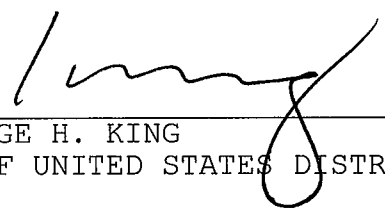
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1 Accordingly, IT IS ORDERED that (1) this matter be REMANDED
2 to the Superior Court of California, County Of Los Angeles, 275
3 Magnolia Ave, Long Beach, CA 90802, for lack of subject matter
4 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk
5 send a certified copy of this Order to the state court; and (3)
6 that the Clerk serve copies of this Order on the parties.

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IT IS SO ORDERED

DATED: April 4, 2014



GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE