



1 diversity or federal question jurisdiction, and therefore removal is improper. 28  
2 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,  
3 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Here, defendant has asserted both  
4 federal question jurisdiction and diversity jurisdiction as her bases for removal.  
5 But the unlawful detainer action to be removed does not actually raise any federal  
6 legal question. *See* 28 U.S.C. §§ 1331, 1441; *Merrell Dow Pharmaceuticals Inc.*  
7 *v. Thompson*, 478 U.S. 804, 808, 106 S. Ct. 3229, 92 L. Ed. 2d 650 (1986) (“the  
8 question for removal jurisdiction must . . . be determined by reference to the ‘well-  
9 pleaded complaint’”). Further, even if complete diversity of citizenship exists, the  
10 amount in controversy does not exceed the diversity jurisdiction threshold of  
11 \$75,000, contrary to defendant’s contention in the Notice of Removal. *See* 28  
12 U.S.C. §§ 1332, 1441. Indeed, the unlawful detainer complaint asserts that the  
13 amount in controversy does not exceed \$10,000.

14 Accordingly, IT IS ORDERED that: (1) this matter be REMANDED to the  
15 Superior Court of California, Los Angeles County, Long Beach Judicial District,  
16 275 Magnolia Avenue, Long Beach, CA 90802, for lack of subject matter  
17 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified  
18 copy of this Order to the state court; and (3) that the Clerk serve copies of this  
19 Order on the parties.

20  
21 DATED: 5/29/14

  
HONORABLE GEORGE H. KING  
CHIEF UNITED STATES DISTRICT JUDGE

22  
23 Presented by:

24   
25 Sheri Pym  
26 United States Magistrate Judge  
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