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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 The Bank of New York Mellon, et al.,

12 Plaintiff,

13 vs.

14 Oscar Orlando Perdomo, et al.,

15 Defendants.
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CASE NO. CV 14-6292 UA (SH)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

17 The Court will remand this unlawful detainer action to state court summarily
18 because Defendant removed it improperly.

19 On August 11, 2014, Defendant Oscar Orlando Perdomo, having been sued
20 in what appears to be a routine unlawful detainer action in California state court, lodged
21 a Notice Of Removal of that action to this Court and also presented an application to
22 proceed *in forma pauperis*. The Court has denied the latter application under separate
23 cover because the action was not properly removed. To prevent the action from remaining
24 in jurisdictional limbo, the Court issues this Order to remand the action to state court.

25 Simply stated, Plaintiff could not have brought this action in federal court in
26 the first place, in that Defendants do not competently allege facts supplying either diversity
27 or federal question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a);
28 *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S.Ct. 2611, 162

1 L.Ed.2d 502 (2005). Even if complete diversity of citizenship exists, the amount in
2 controversy does not exceed the diversity jurisdiction threshold of \$75,000. See 28 U.S.C.
3 §§ 1332, 1441(b). On the contrary, the cover sheet to the unlawful-detainer complaint
4 recites that the amount in controversy does not exceed \$25,000.

5 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
6 Superior Court of California, Los Angeles County, Central District, Stanley Mosk
7 Courthouse, 111 North Hill Street, Los Angeles, CA 90012, for lack of subject matter
8 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this
9 Order to the state court; and (3) that the Clerk serve copies of this Order on the parties.

10 IT IS SO ORDERED.

11 DATED: 8/15/14

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GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE