

UNITED STATES DISTRICT COURT **JS-6 / REMAND**
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 15-00460 DMG (DTBx)** Date January 29, 2015

Title ***Ocean Ridge Equities LLC v. Amrit Lal*** Page 1 of 2

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN
Deputy Clerk

NOT REPORTED
Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS—ORDER REMANDING CASE TO LOS ANGELES
COUNTY SUPERIOR COURT FOR LACK OF SUBJECT MATTER
JURISDICTION**

On October 15, 2014, Plaintiff Ocean Ridge Equities LLC filed an unlawful detainer action in the Superior Court of California, County of Los Angeles. (*See* Notice of Removal, Exh. 1 [Doc. # 1].) Plaintiff’s Complaint seeks judgment against Lal for possession of certain real property located in Harbor City, California (the “Property”). (Compl. ¶ 8.) The Complaint alleges a single cause of action for unlawful detainer and seeks possession of the Property as well as daily rental value damages for the period of October 14, 2014 through the date of entry of judgment. (Compl. at p. 2.)

On January 22, 2015, Defendant Amrit Lal removed the case to this Court, asserting federal question jurisdiction pursuant to 28 U.S.C. § 1331. Defendant asserts that this case implicates the Fair Housing Act as well as “the 5th and 14th amendments to the US Constitution, the Americans with Disabilities Act, the Civil Rights Act, the Age Discrimination Act, and various Presidential ‘Executive Orders’ pertaining to environmental justice, Equal Opportunity and Discrimination in housing.” (Notice of Removal at 3-4.) Plaintiff’s Complaint does not make any reference to these laws. If any of these anti-discrimination and civil rights statutes have any relevance whatsoever to this action, it is as the basis for an affirmative defense. It is axiomatic, however, that federal jurisdiction cannot rest upon an actual or anticipated defense. *See Vaden v. Discover Bank*, 556 U.S. 49, 129 S. Ct. 1262, 1272, 173 L. Ed. 2d 206 (2009).

Furthermore, Defendant previously attempted to remove this same case to federal court. *See Ocean Ridge Equities LLC v. Amrit Lal et al.*, 14-CV-09312-DMG(RZx) (2014). In that case, Plaintiff filed a Motion to Remand, which the Court granted for lack of opposition. If Defendant attempts to remove the same state action to federal court again, the Court will impose monetary sanctions.

UNITED STATES DISTRICT COURT **JS-6 / REMAND**
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 15-00460 DMG (DTBx)** Date **January 29, 2015**

Title ***Ocean Ridge Equities LLC v. Amrit Lal*** Page **2 of 2**

This action is hereby **REMANDED** to the Superior Court of California, County of Los Angeles. Defendant's motion to remand and motion for sanctions is hereby **VACATED** as moot.

IT IS SO ORDERED.