

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RED CURB INVESTMENTS, LLC,)	Case No. CV 15-2447-CAS (PJWx)
)	
Plaintiff,)	PROPOSED ORDER SUMMARILY REMANDING
)	IMPROPERLY REMOVED ACTION TO LOS
v.)	ANGELES COUNTY SUPERIOR COURT
)	
MARIA FLORES, et al.,)	
)	
Defendants.)	
)	
)	

Before the Court is an unlawful detainer action that Defendant Maria Flores removed from the Los Angeles County Superior Court. For the following reasons, the case is summarily remanded back to that court.

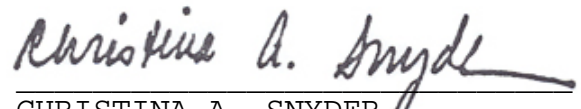
In January 2015, Plaintiff sued Defendant in the Los Angeles County Superior Court in what appears to be a routine unlawful detainer action for non-payment of rent. On April 2, 2015, Defendant removed the action to this court. Although it is not entirely clear, it appears that Defendant is arguing that there is diversity jurisdiction under 28 U.S.C. § 1332 and that the case is a federal one because Plaintiff allegedly violated Federal Rule of Civil Procedure 11 in bringing the unlawful detainer action.

1 Generally speaking, federal district courts lack subject matter
2 jurisdiction over unlawful detainer actions like this one. Unlawful
3 detainer actions do not involve federal issues and a defendant cannot
4 introduce one by raising it in her defense and/or a counter-claim.
5 See *Vaden v. Discover Bank*, 556 U.S. 49, 60 (2009) ("Federal
6 jurisdiction cannot be predicated on an actual or anticipated defense,
7 or rest upon an actual or anticipated counterclaim") (internal
8 citations omitted). Further, there is no diversity jurisdiction under
9 28 U.S.C. § 1332 because, even if Defendant could establish that the
10 parties are diverse, it is clear from the Complaint that the amount in
11 controversy is less than \$10,000. As a result, Defendant cannot
12 remove the action to this court. See 28 U.S.C. § 1441(a); see also
13 *Gaus v. Miles, Inc.*, 980 F.2d 564, 567 (9th Cir. 1992).

14 Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C.
15 § 1447(c), this case is REMANDED to the Superior Court of California,
16 County of Los Angeles, 275 Magnolia, Long Beach, CA 90802; (2) the
17 clerk shall send a certified copy of this Order to the state court;
18 and (3) the clerk shall serve copies of the Order on the parties.

19 IT IS SO ORDERED.

20
21 DATED: April 13, 2015


CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE

22
23
24 Presented by:

25 
26
27 PATRICK J. WALSH
UNITED STATES MAGISTRATE JUDGE