

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

JS 6

Case No. CV 15-2942 DSF (AGR_x)

Date 4/27/15

Title Mandy Reusch v. Donald Wheat

Present: The Honorable DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order REMANDING Case to Superior Court of California

Defendant removed this case from state court claiming federal question jurisdiction. The complaint is a state law unlawful detainer complaint and does not state a federal cause of action. While the notice of removal argues that Defendant's demurrer raises federal issues, federal jurisdiction is based on the plaintiff's complaint and not on any federal counterclaims or defenses that a defendant might assert. See Holmes Group, Inc. v. Vornado Air Circulation Sys., Inc., 535 U.S. 826, 830-32 (2002).

The case is REMANDED to the Superior Court of California, County of Ventura.

IT IS SO ORDERED.