

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ROGER SHAAR and DONNA  
SHAAR,  
Plaintiff,

v.

DONNA BEBIK & ROCKY RIVAS,  
DOES 1 to 10, Inclusive,  
Defendant.

No. CV 15-3037 CAS (FFMx)

ORDER SUMMARILY REMANDING  
ACTION TO STATE COURT

The Court will remand this action to state court summarily because Defendants removed it improperly.

On April 23, 2015, Defendant Donna Bebig and Rocky Rivas, having been sued in what appears to be a routine unlawful detainer action in California state court (Los Angeles Superior Court Case No. 15P02111), filed a Notice of Removal of that action to this Court and also presented an "Application to Proceed in District Court without Prepaying Fees or Costs."

The Court has denied the applications under separate cover because the Court lacks jurisdiction over the action. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, as the Court has previously determined, Plaintiff could not have brought this action in federal court in the first place, in that Defendants do not competently allege facts supplying either diversity or federal-question jurisdiction, and

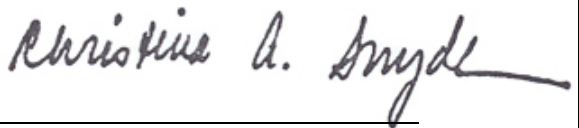
1 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*  
2 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if  
3 complete diversity of citizenship existed, the amount in controversy does not exceed the  
4 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the  
5 contrary, the unlawful-detainer complaint recites that the amount in controversy does not  
6 exceed \$10,000.

7 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*  
8 28 U.S.C. §§ 1331, 1441(b).

9 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior  
10 Court of California, County of Los Angeles, Northeast District Limited, 300 East Walnut  
11 St., Pasadena, California 91101 for lack of subject matter jurisdiction pursuant to 28  
12 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court;  
13 and (3) that the Clerk serve copies of this Order on the parties.

14 IT IS SO ORDERED.

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16 DATED: May 7, 2015

  
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CHRISTINA A. SNYDER  
United States District Judge

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19 Presented by:

20  
21 /S/ FREDERICK F. MUMM  
22 FREDERICK F. MUMM  
United States Magistrate Judge