

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GILL FAMILY PROPERTIES,

Plaintiff,

v.

JAMES PATRICK O'BRIEN, ALL
OCCUPANTS,

Defendants.

No. CV 15-5121-GW(FFMx)

ORDER SUMMARILY REMANDING
ACTION TO STATE COURT

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

On July 7, 2015, Defendant James Patrick O'Brien, having been sued in what appears to be a routine unlawful detainer action in California state court (Los Angeles Superior Court Case No. 15U05017), filed a Notice of Removal of that action to this Court and also presented an application to proceed without prepaying fees or costs.

The Court has denied the application 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 Defendant does not competently allege facts supplying either diversity or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*

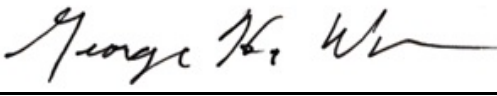
1 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if
2 complete diversity of citizenship existed, the amount in controversy does not exceed the
3 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
4 contrary, the unlawful-detainer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

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

8 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
9 Court of California, County of Los Angeles, Stanley Mosk, 111 North Hill St., Los
10 Angeles, California 90012 for lack of subject matter jurisdiction pursuant to 28 U.S.C.
11 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3)
12 that the Clerk serve copies of this Order on the parties.

13 IT IS SO ORDERED.

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15 DATED: July 21, 2015



GEORGE H. WU
United States District Judge

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18 Presented by:

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