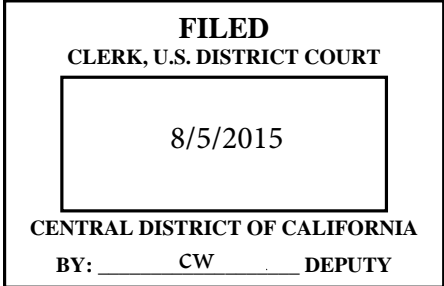


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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CAMDEN USA, INC., )  
 )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )  
 ) SHEILA PHILLIPS, )  
 )  
 )  
 ) Defendant. )  
 )

Case No. CV 15-5597-MWF (PJW)  
~~PROPOSED~~ ORDER SUMMARILY REMANDING  
IMPROPERLY REMOVED ACTION TO LOS  
ANGELES COUNTY SUPERIOR COURT

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

In May 2015, Plaintiff Camden USA, Inc. filed an unlawful detainer action in the Los Angeles County Superior Court, claiming that Defendant owed her \$1,932 in past-due rent. On July 23, 2015, Defendant removed the action to this court, arguing that there was federal question jurisdiction because the resolution of the action turns on questions of federal law.


Generally speaking, federal district courts lack subject matter jurisdiction over unlawful detainer actions like this one because they

1 are grounded in state, not federal, law and do not become federal  
2 cases when a defendant raises a federal question as an affirmative  
3 defense or counterclaim. See *Vaden v. Discover Bank*, 556 U.S. 49, 60  
4 (2009) ("Federal jurisdiction cannot be predicated on an actual or  
5 anticipated defense. . .[or] rest upon an actual or anticipated  
6 counterclaim.") (internal citations omitted). Further, it is clear  
7 from the face of the Complaint that there is no diversity jurisdiction  
8 under 28 U.S.C. § 1332 because, even if Defendant could establish  
9 diversity, the amount in controversy is less than \$10,000. As a  
10 result, Defendant's removal of the action was improper and the case  
11 will be remanded to the Superior Court for further proceedings. See  
12 28 U.S.C. § 1441(a); see also *Gaus v. Miles, Inc.*, 980 F.2d 564, 567  
13 (9th Cir. 1992).

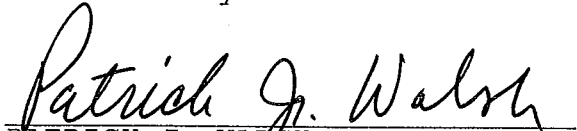
14 Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C.  
15 § 1447(c), this case is REMANDED to the Superior Court of California,  
16 275 Magnolia Avenue, Long Beach, CA 90802; (2) the clerk shall send a  
17 certified copy of this Order to the state court; and (3) the clerk  
18 shall serve copies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

19 IT IS SO ORDERED.

20 DATED: August 5, 2015

21   
22 MICHAEL W. FITZGERALD  
23 UNITED STATES DISTRICT JUDGE

24 Presented by:

25   
26 PATRICK J. WALSH  
27 UNITED STATES MAGISTRATE JUDGE

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