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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RTED AMERICA, LLC,)	Case No. CV 15-06037 DDP (MRWx)
)	
Plaintiff,)	
)	ORDER REMANDING CASE FOR LACK OF
v.)	SUBJECT MATTER JURISDICTION
)	
MANUEL TAUCEDA & MARIE E.)	
TAUCEDA,)	
)	
Defendants.)	
)	
_____)	

Plaintiff filed an unlawful detainer complaint against Defendants in state court on July 8, 2015. Defendants removed the action to this court on August 10, 2015 on the basis of federal question jurisdiction. It appears, however, that there is no federal subject matter jurisdiction in this action. Plaintiff's unlawful detainer complaint raises only issues of state law, and the amount in controversy does not appear to exceed \$75,000.

District courts have original jurisdiction over "all civil actions arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. Though Defendants assert A federal defense, "[u]nder the longstanding well-pleaded complaint

1 rule, . . . a suit 'arises under' federal law only when the
2 plaintiff's statement of his own cause of action shows that it is
3 based upon federal law." Vaden v. Discover Bank, 556 U.S. 49, 60
4 (2009) (quotation, citation, and alteration omitted). "Federal
5 law" cannot be predicated on a defense or counterclaim. Id.
6 Defenses based on federal law are, therefore, insufficient to
7 create federal jurisdiction. See HSBC Bank USA v. Santiago, No. CV
8 10-04127, 2011 WL 165382, at *1-2 (C.D. Cal. Jan. 18, 2011).

9 This court lacks subject matter jurisdiction over Plaintiff's
10 complaint, and therefore remands this case to state court.

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12 IT IS SO ORDERED.

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15 Dated: August 28, 2015


16 DEAN D. PREGERSON
17 United States District Judge
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