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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DONALD WADE,

Plaintiff,

v.

LUE HAYNES, DOES 1 to 10,

Defendants.

No. CV 15-09511 BRO (FFMx)
ORDER SUMMARILY REMANDING
ACTION TO STATE COURT

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

On December 9, 2015, Defendant having been sued in what appears to be a routine unlawful detainer action in California state court (Los Angeles Superior Court Case No. 15UN3754), filed a Notice of Removal of that action to this Court and also presented an application to proceed in forma pauperis.

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 \$25,000.

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, Southeast Judicial District, 12720 Norwalk
10 Boulevard, Norwalk, California 90650 for lack of subject matter jurisdiction pursuant to
11 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state
12 court; and (3) that the Clerk serve copies of this Order on the parties.

13 IT IS SO ORDERED.

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15 DATED: December 29, 2015

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18 _____
19 BEVERLY REID O'CONNELL
20 United States District Judge

21 Presented by:

22 
23 /S/ FREDERICK F. MUMM
24 FREDERICK F. MUMM
25 United States Magistrate Judge
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