1		FILED CLERK, U.S. DISTRICT COURT
2		4/19/2016
3	CENTRAL DISTRICT OF CALIFORNIA	
4	BY: <u>CW</u> DEPUTY	
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	CENTRAL DISTRICT OF CALIFORNIA	
10		
11	KUVE LIMITED PARTNERSHIP, LLC,	Case No. CV 16-2570 MWF (SSx)
12	Plaintiff,	ORDER SUMMARILY REMANDING
13	V.	IMPROPERLY-REMOVED ACTION
14	GERALD LA POINTE, et al.,	
15	Defendants.	
16		
17	The Court will remand this unlawful detainer action to state	
18	court summarily because Defendants removed it improperly.	
19	On April 14, 2016, Defendants Gerald La Pointe and Brandie	
20	Holmes, having been sued in what appears to be a routine unlawful	
21	detainer action in California state court, lodged a Notice Of	
22	Removal of that action to this Court and also presented an	
23	application to proceed <u>in forma pauperis</u> . The Court has denied	
24	the latter application under separate cover because the action	
25	was not properly removed. To prevent the action from remaining	
26	in jurisdictional limbo, the Court issues this Order to remand	
27	the action to state court.	
28		

1 Simply stated, this action could not have been originally 2 filed in federal court because the complaint does not competently 3 allege facts supporting either diversity or federal-question 4 jurisdiction, and therefore removal is improper. 28 U.S.C. 5 § 1441(a), see Exxon Mobil Corp. v. Allapattah Svcs., Inc., 545 б U.S. 546, 563 (2005). Defendants' notice of removal asserts that 7 "[f]ederal question [jurisdiction] exists because Defendant's 8 [sic] Answer . . . depend[s] on the determination of Defendant's 9 [sic] rights and Plaintiff's duties under federal law." (Notice 10 at 2, 11. 26-28). These allegations are inadequate to confer 11 federal question jurisdiction. See Merrell Dow Pharmaceuticals, 12 Inc. v. Thompson, 478 U.S. 804, 808 (1986) ("A defense that 13 raises a federal question is inadequate to confer federal 14 jurisdiction."). 15

Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior Court of California, County of Los Angeles, 12720 Norwalk Boulevard, Norwalk, California, 90650, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) the Clerk send a certified copy of this Order to the state court; and (3) the Clerk serve copies of this Order on the parties.

IT IS SO ORDERED.

DATED: April 19, 2016

22

23

24

25

26

27

28

W. ITZGERAL UNITED STATES DISTRI