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JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PETER HOFFMAN, et al.,
Plaintiffs,
v.
WILLIAM ROBERTS a/k/a WILLIAM
E. ROBERTS, et al.,
Defendants.

Case No. CV 16-7393 CAS (SSx)

**ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION**

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

On October 3, 2016, Defendant William Roberts, having been sued in what appears to be a routine unlawful detainer action in California state court, 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 latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the
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1 Court issues this Order to summarily remand the action to state
2 court.

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4 Simply stated, this action could not have been originally
5 filed in federal court because the complaint does not competently
6 allege facts supporting either diversity or federal-question
7 jurisdiction, and therefore removal is improper. 28 U.S.C.
8 § 1441(a); see Exxon Mobil Corp. v. Allapattah Svcs., Inc., 545
9 U.S. 546, 563 (2005). To the extent that Defendant will attempt
10 to raise defenses available under federal law in the unlawful
11 detainer action, these attempts are inadequate to confer federal
12 question jurisdiction. Merrell Dow Pharmaceuticals, Inc. v.
13 Thompson, 478 U.S. 804, 808 (1986) ("A defense that raises a federal
14 question is inadequate to confer federal jurisdiction.").

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16 Accordingly, IT IS ORDERED that (1) this matter be REMANDED
17 to the Los Angeles County Superior Court, 275 Magnolia Ave., Long
18 Beach, CA 90802, for lack of subject matter jurisdiction pursuant
19 to 28 U.S.C. § 1447(c); (2) the Clerk send a certified copy of this
20 Order to the state court; and (3) the Clerk serve copies of this
21 Order on the parties.

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23 IT IS SO ORDERED.

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25 DATED: October 13, 2016



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CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE

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