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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DUKE PARTNERS II, LLC,  
Plaintiff,  
v.  
SERGIO DEL TORO, et al.,  
Defendants.

Case No. CV 16-8376 JAK (SS)

**ORDER SUMMARILY REMANDING  
IMPROPERLY-REMOVED ACTION**

JS-6

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

On November 10, 2016, Defendant Sergio Del Toro, 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 Court issues this Order to remand the action to state court.

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  
6 U.S. 546, 563 (2005).

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8           Accordingly, IT IS ORDERED that (1) this matter be REMANDED  
9 to the Superior Court of California, County of Los Angeles, 300  
10 East Walnut Street, Pasadena, CA 91101, for lack of subject  
11 matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) the  
12 Clerk send a certified copy of this Order to the state court; and  
13 (3) the Clerk serve copies of this Order on the parties.

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15           IT IS SO ORDERED.

16  
17 DATED: November 21, 2016

  
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JOHN A. KRONSTADT  
UNITED STATES DISTRICT JUDGE