JS-6 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 CENTRAL DISTRICT OF CALIFORNIA 9 10 Case No. CV 17-0847 GW (SSx) PACIFIC COURT PINE SQUARE 11 PARTNERS, 12 Plaintiff, ORDER SUMMARILY REMANDING 13 v. IMPROPERLY-REMOVED ACTION 14 DAVION CARSON, 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 20 On February 2, 2017, Defendants Davion Carson and Dezinae 21 Carson, having been sued in a routine unlawful detainer action in 22 California state court, filed a Notice Of Removal of that action 23 to this Court and also presented applications to proceed in forma 24 The Court has denied the latter applications under pauperis. 25 separate cover because the action was not properly removed. To 26 prevent the action from remaining in jurisdictional limbo, the 27 Court issues this Order to remand the action to state court. 28

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ebruary 14, 2017

Clerk serve copies of this Order on the parties.

DATED: February 14, 2017

IT IS SO ORDERED.

federal jurisdiction.").

GEORGE H. WU

Simply stated, this action could not have been originally

28 U.S.C.

Merrell

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filed in federal court because the complaint does not competently

allege facts supporting either diversity or federal-question

§ 1441(a); see Exxon Mobil Corp. v. Allapattah Svcs., Inc., 545

U.S. 546, 563 (2005). Defendants' Notice Of Removal asserts that

federal question jurisdiction exists because "Defendant[s']

Demurrer, a pleading[,] depend[s] on the determination of

Defendant[s'] rights and Plaintiff's duties under federal law."

(Notice Of Removal at 2). These allegations are inadequate to

Pharmaceuticals, Inc. v. Thompson, 478 U.S. 804, 808 (1986) ("A

defense that raises a federal question is inadequate to confer

to the Superior Court of California, County of Los Angeles, 275

Magnolia Ave., Long Beach, CA 90802, 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

Accordingly, IT IS ORDERED that (1) this matter be REMANDED

jurisdiction, and therefore removal is improper.

confer federal question jurisdiction.

UNITED STATES DISTRICT JUDGE

See

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