

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. CV 17-02991-MWF (Ex)

Date: June 23, 2017

Title: Morgan Picks1, LLC v. Joo Young Kim, et al.

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:

Rita Sanchez

Court Reporter:

Not Reported

Attorneys Present for Plaintiff:

None Present

Attorneys Present for Defendant:

None Present

Proceedings (In Chambers):

ORDER REMANDING ACTION TO
STATE COURT

Plaintiff Morgan Picks1, LLC filed a Complaint for Unlawful Detainer against Defendant Joo Young Kim and ten Doe Defendants in the Los Angeles County Superior Court. (Notice of Removal (Docket No. 2) at 7). Defendant Jose Cruz Vasquez subsequently removed the action to this Court. (*Id.* at 1).

This Court has a *sua sponte* obligation to confirm that it has subject matter jurisdiction. *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, *sua sponte*, at any time during the pendency of the action’” (quoting *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir. 2002))).

The Court cannot properly assert jurisdiction over this matter, because the matter does not arise under federal law. “For a case to ‘arise under’ federal law, a plaintiff’s well-pleaded complaint must establish either (1) that federal law creates the cause of action or (2) that the plaintiff’s asserted right to relief depends on the resolution of a substantial question of federal law.” *K2 Am. Corp. v. Rolland Oil & Gas, LLC*, 653 F.3d 1024, 1029 (9th Cir. 2011) (citation and internal quotation marks omitted). Importantly, there is no federal question jurisdiction even if there is a federal defense to the claim or a counterclaim arising under federal law. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392-93 (1987).

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Cruz Vasquez contends that the Complaint arises under federal law because Plaintiff violated Cruz Vasquez's rights as defined by the Truth in Lending Act, 15 U.S.C. § 1601, *et seq.* (Notice of Removal ¶ 6). However, Plaintiff's Complaint includes only the state law claim for unlawful detainer, and Defendant's anticipated defenses to that claim cannot confer jurisdiction on this Court.

Accordingly, the Court **REMANDS** the action to the Superior Court of the State of California for the County of Los Angeles. The Court **ORDERS** the Clerk to treat this Order, and its entry on the docket, as an entry of judgment. Local Rule 58-6.

The pending Ex Parte Notice of Plaintiff's Motion and Motion to Remand (Docket No. 5) is **DENIED as moot**.

IT IS SO ORDERED.