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**UNITED STATES DISTRICT COURT JS-6
CENTRAL DISTRICT OF CALIFORNIA**

PLAYA VILLAS, LLC,
Plaintiff,
v.
LINEAR WAVE, LLC,
HAROLD McCRIMMON, et al.,
Defendants.

Case CV 17-04177-ODW(RAOx)

**ORDER REMANDING ACTION
AND DENYING REQUEST TO
PROCEED IN FORMA PAUPERIS**

**I.
FACTUAL BACKGROUND**

Plaintiff Playa Villas, LLC (“Plaintiff”) filed an unlawful detainer action in Los Angeles County Superior Court against Defendants Linear Wave, LLC, Harold McCrimmon, and Does 1-5 on April 3, 2017. Notice of Removal (“Removal”) and Attached Complaint for Unlawful Detainer (“Compl.”). Dkt. No. 1. Defendants are allegedly unauthorized occupants of real property located in Playa Vista, California (“the property”). Compl., ¶¶ 3, 6. Plaintiff is the owner of the property. *Id.* at ¶¶ 1, 4.

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1 Defendant Harold McCrimmon (“Defendant”) filed a Notice of Removal on
2 June 5, 2017, invoking the Court’s diversity jurisdiction. Removal at 2. The same
3 day, Defendant filed a request to proceed *in forma pauperis*. Dkt. No. 3.

4 II.

5 DISCUSSION

6 Federal courts are courts of limited jurisdiction, having subject matter
7 jurisdiction only over matters authorized by the Constitution and statute. *See, e.g.,*
8 *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377, 114 S. Ct. 1673, 128
9 L.Ed.2d 391 (1994). It is this Court’s duty always to examine its own subject
10 matter jurisdiction, *see Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514, 126 S. Ct. 1235,
11 163 L.Ed.2d 1097 (2006), and the Court may remand a case summarily if there is
12 an obvious jurisdictional issue. *Cf. Scholastic Entm’t, Inc. v. Fox Entm’t Grp., Inc.*,
13 336 F.3d 982, 985 (9th Cir. 2003) (“While a party is entitled to notice and an
14 opportunity to respond when a court contemplates dismissing a claim on the merits,
15 it is not so when the dismissal is for lack of subject matter jurisdiction.”) (omitting
16 internal citations). A defendant attempting to remove an action from state to
17 federal court bears the burden of proving that jurisdiction exists. *See Scott v.*
18 *Breeland*, 792 F.2d 925, 927 (9th Cir. 1986). Further, a “strong presumption”
19 against removal jurisdiction exists. *See Gaus v. Miles, Inc.*, 980 F.2d 564, 567 (9th
20 Cir. 1992).

21 Defendant asserts that this Court has subject matter jurisdiction due to the
22 existence of diversity. Removal at 2. Section 1441 provides, in relevant part, that a
23 defendant may remove to federal court a civil action in state court of which the
24 federal court has original jurisdiction. *See* 28 U.S.C. § 1441(a). Section 1332
25 provides that federal “district courts shall have original jurisdiction over all civil
26 actions where the matter in controversy exceeds the sum of \$75,000, . . . , and is
27 between—(1) citizens of different States” *See id.* § 1332.

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1 Here, the Court's review of the Notice of Removal and attached Complaint
2 makes clear that there is no basis for diversity jurisdiction because the amount in
3 controversy does not exceed the diversity jurisdiction threshold of \$75,000. See 28
4 U.S.C. § 1332(a). The amount in controversy is determined from the complaint
5 itself, unless it appears to a legal certainty that the claim is worth a different amount
6 than that pled in the complaint. *Horton v. Liberty Mut. Ins. Co.*, 367 U.S. 348, 354,
7 81 S. Ct. 1570, 6 L.Ed.2d 890 (1961); *Lowdermilk v. United States Bank Nat'l*
8 *Assoc.*, 479 F.3d 994, 999 (9th Cir. 2007). In filing the action, Plaintiff explicitly
9 limited its demand for damages to an amount not exceeding \$10,000.00. (See
10 Compl. at 1.) Because the amount of damages that Plaintiff seeks appears to be
11 below the jurisdictional minimum, the Court cannot exercise diversity jurisdiction
12 in this case.

13 **III.**

14 **CONCLUSION**

15 Accordingly, IT IS ORDERED that this case is REMANDED to the Superior
16 Court of California, County of Los Angeles, forthwith.

17 IT IS FURTHER ORDERED that Defendant's Request to Proceed In Forma
18 Pauperis is DENIED as moot.

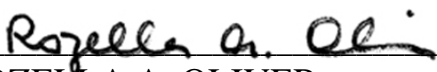
19 IT IS SO ORDERED.

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21 DATED: June 12, 2017



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23 OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE

24 Presented by:

25 
26 ROZELLA A. OLIVER
27 UNITED STATES MAGISTRATE JUDGE
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