

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. LA CV17-05418 JAK (FFMx)

Date July 27, 2017

Title Mission Valley Shoppingtown LLC v. Hye Eun Lee, et al.

Present: The Honorable JOHN A. KRONSTADT, UNITED STATES DISTRICT JUDGE

Andrea Keifer

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) ORDER RE PLAINTIFF’S EX PARTE APPLICATION FOR ORDER TO REMAND STATE COURT COMMERCIAL UNLAWFUL DETAINER ACTION (DKT. 5)
JS-6: Remand

Based on the matters set forth in the Ex Parte Application for Order to Remand State Court Unlawful Detainer Action, Declaration of George Blackmar, and supporting documents, the notice of removal in this action is barred by the prior order (“Prior Order”) remanding the same action to San Diego Superior Court entered on July 19, 2017 in Case No. LA17-05250 JAK (FFMx) (Dkt. 9). Thus, the present notice of removal contravenes the Prior Order. For the reasons already stated, there is no federal jurisdiction over this matter. Accordingly, the present Application to remand is **GRANTED** and the Court confirms the prior remand order and this action is remanded to the Superior Court for the County of San Diego (Case No. 37-2017-00017673 (CU-UD-CTL).

Given that the present removal was inconsistent with the Prior Order, Plaintiff may apply for an award of sanctions. See Fed. R. Civ. P. 11; *Westlake N. Prop. Owners Ass’n v. City of Thousand Oaks*, 915 F.2d 1301, 1303 (9th Cir. 1990).

IT IS SO ORDERED.

Initials of Preparer _____ : _____
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