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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 SNAPDRAGON, LLC,
12 Plaintiff,

13 v.

14 JESUS MARTINEZ ROMAN, et al.,
15 Defendants.
16

Case No. CV 17-06387-CAS (RAOx)

**ORDER REMANDING ACTION
AND DENYING APPLICATION
TO PROCEED WITHOUT
PREPAYING FEES OR COSTS AS
MOOT**

17 **I.**

18 **FACTUAL BACKGROUND**

19 Plaintiff Snapdragon, LLC (“Plaintiff”) filed an unlawful detainer action in
20 Ventura County Superior Court against Defendants Jesus Martinez Roman, Carol
21 R. Ramirez, Isabelle Brilat, and Does 1-10, on or about June 22, 2017. Notice of
22 Removal (“Removal”) and Attached Complaint (“Compl.”), Dkt. No. 1.
23 Defendants are allegedly unauthorized tenants of real property located in Ventura,
24 California (“the property”). Compl. ¶¶ 3, 6. Plaintiff is the owner of the property.
25 *Id.* ¶ 1, 4.

26 Defendants Carol R. Ramirez and Isabelle Brilat (“Defendants”) filed a
27 Notice of Removal on August 29, 2017, invoking the Court’s federal question
28 jurisdiction. Removal at 2.

1 The same day, Defendant Ramirez and Defendant Brilat filed Applications to
2 Proceed Without Prepaying Fees or Costs. Dkt. Nos. 3, 4.

3 **II.**
4 **DISCUSSION**

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

20 Defendants assert that this Court has subject matter jurisdiction due to the
21 existence of a federal question. Removal at 2. Section 1441 provides, in relevant
22 part, that a defendant may remove to federal court a civil action in state court of
23 which the federal court has original jurisdiction. *See* 28 U.S.C. § 1441(a). Section
24 1331 provides that federal “district courts shall have original jurisdiction of all civil
25 actions arising under the Constitution, laws, or treaties of the United States.” *See id.*
26 § 1331.

27 Here, the Court’s review of the Notice of Removal and attached Complaint
28 makes clear that this Court does not have federal question jurisdiction over the instant

1 matter under 28 U.S.C. § 1331. First, there is no federal question apparent from the
2 face of the Complaint, which appears to allege only a simple unlawful detainer cause
3 of action. *See Wescom Credit Union v. Dudley*, No. CV 10-8203 GAF (SSx), 2010
4 WL 4916578, *2 (C.D.Cal. Nov. 22, 2010) (“An unlawful detainer action does not
5 arise under federal law.”) (citation omitted); *IndyMac Federal Bank, F.S.B. v.*
6 *Ocampo*, No. EDCV 09-2337 PA(DTBx), 2010 WL 234828, at *2 (C.D.Cal. Jan. 13,
7 2010) (remanding an action to state court for lack of subject matter jurisdiction where
8 plaintiff’s complaint contained only an unlawful detainer claim).

9 Second, there is no merit to Defendants’ argument that the demurrer involves
10 a “determination of Defendant’s rights and Plaintiff’s duties under federal law.”
11 Removal at 2. It is well settled that a “case may not be removed to federal court on
12 the basis of a federal defense . . . even if the defense is anticipated in the plaintiff’s
13 complaint, and even if both parties concede that the federal defense is the only
14 question truly at issue.” *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 393, 107 S.Ct.
15 2425, 2430, 96 L.Ed.2d 318 (1987). Thus, to the extent Defendants’ defenses to the
16 unlawful detainer action are based on alleged violations of federal law, those
17 defenses do not provide a basis for federal question jurisdiction. *See id.* Because
18 Plaintiff’s Complaint does not present a federal question, either on its face or as
19 artfully pled, the court lacks jurisdiction under 28 U.S.C. § 1331.

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28 **III.**

1 **CONCLUSION**

2 Accordingly, IT IS ORDERED that this case is REMANDED to the Superior
3 Court of California, County of Ventura, forthwith.

4 IT IS FURTHER ORDERED that Defendants' Applications to Proceed
5 Without Prepaying Fees or Costs are DENIED as moot.

6 IT IS SO ORDERED.

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8 DATED: August 31, 2017

Christina A. Snyder

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CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE

11 Presented by:

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13 ROZELLA A. OLIVER
14 UNITED STATES MAGISTRATE JUDGE