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78 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
1011 JOE RODRIGUEZ,
12 Plaintiff,
13 v.
14 SHANNON EMERY, et al.,
15 Defendants.
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Case No. CV 17-7982 MWF (SSx)

17 **ORDER SUMMARILY REMANDING**
18 **IMPROPERLY-REMOVED ACTION**
1920 The Court will remand this unlawful detainer action to state
21 court summarily because Defendant removed it improperly.
2223 On November 1, 2017, Defendant Shannon Emery, having been
24 sued in what appears to be a routine unlawful detainer action in
25 California state court, filed a Notice Of Removal of that action
26 to this Court and presented an application to proceed in forma
27 pauperis. The Court has denied the IFP application under
28 separate cover because the action was not properly removed. To
prevent the action from remaining in jurisdictional limbo, the
Court issues this Order to remand the action to state court.

1 Simply stated, this action could not have been originally
2 filed in federal court because the complaint does not competently
3 allege facts supporting either diversity or federal-question
4 jurisdiction, and therefore removal is improper. 28 U.S.C.
5 § 1441(a); see Exxon Mobil Corp. v. Allapattah Svcs., Inc., 545
6 U.S. 546, 563 (2005).

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8 Accordingly, IT IS ORDERED that (1) this matter be REMANDED
9 to the Superior Court of California, County of Los Angeles, 1725
10 Main Street, Santa Monica, CA 90401, for lack of subject matter
11 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) the Clerk send
12 a certified copy of this Order to the state court; and (3) the
13 Clerk serve copies of this Order on the parties.

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15 IT IS SO ORDERED.

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17 DATED: November 9, 2017

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19 MICHAEL W. FITZGERALD
20 UNITED STATES DISTRICT JUDGE
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