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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

FRISCHER LLC,  
Plaintiff,  
v.  
KESHAUN WITHERSPOON, et al.,  
Defendants.

Case No. CV 18-5606 FMO (SSx)

**ORDER SUMMARILY REMANDING  
IMPROPERLY-REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendants removed it improperly.

On June 25, 2018, Defendant Keshoun Witherspoon, having been sued in what appears to be a routine unlawful detainer action in California state court, filed a Notice of Removal of that action to this Court and presented an application to proceed in forma pauperis. The Court has denied the IFP application under 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,  
10 Governor George Deukmejian Courthouse, 275 Magnolia Avenue, Long  
11 Beach, California 90802, for lack of subject matter jurisdiction  
12 pursuant to 28 U.S.C. § 1447(c); (2) the Clerk send a certified  
13 copy of this Order to the state court; and (3) the Clerk serve  
14 copies of this Order on the parties.

15           IT IS SO ORDERED.

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18 DATED: July 3, 2018

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20 FERNANDO M. OLGUIN  
21 UNITED STATES DISTRICT JUDGE  
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