

UNITED STATES DISTRICT COURT **JS-6 / REMAND**
 CENTRAL DISTRICT OF CALIFORNIA
 CIVIL MINUTES—GENERAL

Case No. **CV 20-11788-DMG (MAAx)** Date January 6, 2021

Title ***Pur Americana LLC v. Elizabeth George*** Page 1 of 2

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS—ORDER REMANDING ACTION TO LOS ANGELES
 COUNTY SUPERIOR COURT**

On February 26, 2020, Plaintiff Pur Americana LLC filed an unlawful detainer action in the Superior Court of California, County of Los Angeles against Defendant Elizabeth George. Notice of Removal, Ex. A (“Compl.”) [Doc. # 1]. On July 10, 2020, George filed an answer, and on December 29, 2021, George filed a notice of removal to federal court, asserting federal question jurisdiction based on her Answer. *Id.* at ¶ 8.

It is axiomatic, however, that federal jurisdiction cannot rest upon an actual or anticipated defense. *See Vaden v. Discover Bank*, 556 U.S. 49 (2009). “The presence or absence of federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). That is not the case here, where the Complaint itself raises no federal question.

Nor does the Complaint reveal a basis for diversity jurisdiction. The Complaint states that the amount of damages sought by Plaintiff is past-due rent of \$1,686, the fair rental value of the premises of \$55.43 per day, and attorneys’ fees. Compl. at 7-8. This is well below the \$75,000 amount-in-controversy jurisdictional threshold for diversity jurisdiction. *See* 28 U.S.C. § 1332(a).

Moreover, it appears that Defendant George’s notice of removal is untimely. A defendant must file notice of removal within 30 days after “receipt by the defendant . . . of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” 28 U.S.C. § 1446(b). The Complaint was filed on February 26, 2020, and George’s notice of removal was not filed until December 29, 2020, nine months after the 30-day deadline had passed.

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In light of the foregoing, this case is hereby **REMANDED** to Los Angeles County Superior Court for lack of subject matter jurisdiction.

IT IS SO ORDERED.