



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
3470 Twelfth Street, Riverside, CA 92501
CIVIL MINUTES -- GENERAL

Case No. ED CV 08-01361-SGL(AJWx)

Date: October 27, 2008

Title: AMERIQUEST MORTGAGE CO., ET AL. -v- STEPHANIE ASHLEY, ET AL.

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PRESENT: HONORABLE STEPHEN G. LARSON, UNITED STATES DISTRICT JUDGE

Jim Holmes
Courtroom Deputy Clerk

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

None present

PROCEEDINGS: ORDER TO SHOW CAUSE

The Court has received and reviewed defendants October10, 2008, notice of removal, seeking to remove to this Court an unlawful detainer action filed by plaintiff in Riverside County Superior Court. Nowhere in the notice, however, does defendants articulate on what basis this Court has jurisdiction to hear this matter. The Federal Rule of Civil Procedure requires that any pleading filed in federal court "must contain a short and plain statement of the ground for the court's jurisdiction." See Fed. R. Civ. Pro. 8(a)(1).

Moreover, this Court's local rules similarly require that in providing the grounds for jurisdiction the complaint must the "statutory basis" for the same. Again in the present complaint there is no allegation in the complaint on what basis this Court has jurisdiction to hear the case, be it diversity jurisdiction (28 U.S.C. § 1332) or federal question (28 U.S.C. § 1331).

Given the substantial questions that exists as to whether this Court has jurisdiction to hear this matter, defendants are hereby **ORDERED TO SHOW CAUSE** within seven (7) days of the date of this Order why this case should not be remanded to state court. In answering this Order, defendants are specifically required to articulate and allege on what basis this Court has jurisdiction to hear the case. Thus, for instance, if the basis for jurisdiction is due to the diversity of citizenship of the parties, then defendants must assert that jurisdiction over this matter is so based and must also allege what the citizenship of each of the parties to the suit is and what is the amount in controversy (keeping in mind that in the unlawful detainer action filed by plaintiff it is

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alleged that plaintiff seeks damages under \$10,000).

Defendants failure to timely respond to the Order to Show Cause shall be considered by the Court as a failure to prosecute this matter and will result in the summary remand of the matter to state court.

IT IS SO ORDERED.