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

Case No.   ED CV 08-01444-SGL(PJWx)   Date: October 27, 2008

Title: DEUTSCHE BANK NATIONAL TRUST COMPANY, ET AL. *-v-* ROBERT
GUTIERREZ, ET AL.
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PRESENT: HONORABLE STEPHEN G. LARSON, UNITED STATES DISTRICT JUDGE

Jim Holmes	None Present
Courtroom Deputy Clerk	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' October16, 2008, notice of removal, seeking to remove to this Court an unlawful detainer action filed by plaintiff in San Bernardino County Superior Court. In the notice, defendant argues that this Court has subject matter jurisdiction over the unlawful detainer action because there is "complete diversity" and defendant "believes that the amount in controversy exceeds $75,000." The complaint filed by plaintiff tells a different story. In the complaint, plaintiff specifically concedes that the amount "demanded does not exceed $10,000."   This specific averment of what plaintiff seeks by way of damages defeats any suggestion that the amount in controversy exceeds $75,000.

      In the notice defendants also asserts that the Court has federal question jurisdiction because the state court complaint "alleges claims 'arising under' federal law." Again the complaint filed by plaintiff is simply a unlawful detainer action and does not list or aver any claim based on federal law.

      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. 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.