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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY: _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AURORA LOAN SERVICES,
LLC,

Plaintiff,

vs.

HILDA E. CABRAL, et al.,

Defendants.

Case No. ED CV 12-580-UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

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

On April 18, 2012, defendants Hilda and Irene Cabral, having been sued in what appears to be a routine unlawful detainer action in California Superior Court, lodged a Notice Of Removal of that action to this Court, and also presented an application to proceed in forma pauperis. The Court has denied the latter 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.

Simply stated, plaintiff could not have brought this action in federal court in the first place, in that defendants do not competently allege facts supplying either

1 diversity or federal question jurisdiction, and therefore removal is improper. 28
2 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,
3 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Here, defendants have asserted
4 both federal question and diversity jurisdiction as their basis for removal. But as
5 described in more detail in the Order Denying Defendants' Request to Proceed
6 Without Prepayment of Filing Fee, because the unlawful detainer action to be
7 removed does not actually raise the federal claim to which defendants point, and
8 because the amount in controversy does not exceed \$75,000, there is no basis to
9 assert either federal question or diversity jurisdiction. *See* 28 U.S.C. §§ 1331,
10 1332, 1441.

11 Accordingly, IT IS ORDERED that: (1) this matter be REMANDED to the
12 Superior Court of California, San Bernardino County, Fontana District, 17780
13 Arrow Highway, Fontana, CA 92335-2398, for lack of subject matter jurisdiction
14 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this
15 Order to the state court; and (3) that the Clerk serve copies of this Order on the
16 parties.

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18
19 DATED: 4/24/2012



HONORABLE AUDREY B. COLLINS
CHIEF UNITED STATES DISTRICT JUDGE