

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 12-840 CAS (VBKx)	Date	June 12, 2012
Title	U.S. BANK NATIONAL ASSOCIATION V. STEPHANIE E. JONES		

Present: The Honorable CHRISTINA A. SNYDER

CATHERINE JEANG

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers:) ORDER TO SHOW CAUSE FOR LACK OF SUBJECT MATTER JURISDICTION

I. INTRODUCTION

On March 14, 2012, plaintiff U.S. Bank National Association (“plaintiff”) filed an unlawful detainer action in Riverside Superior Court against defendant Stephanie E. Jones. On May 23, 2012, Jones removed the action to this Court on the basis of federal question jurisdiction pursuant to 28 U.S.C. § 1331. Defendant asserts that plaintiff is depriving her of her due process guarantees under the Fourteenth Amendment to the United States Constitution. See Dkt. No. 1.

II. DISCUSSION

The law is clear that “[u]nlawful detainer actions are strictly within the province of state court.” Federal Nat’l Mort. Assoc. v. Suarez, 2011 U.S. Dist. LEXIS 82300, *6 (E.D. Cal. Jul. 27, 2011); Deutsche Bank Nat’l Trust Co. v. Leonardo, 2011 U.S. Dist. LEXIS 83854, *2 (C.D. Cal. Aug. 1, 2011) (“[T]he complaint only asserts a claim for unlawful detainer, a cause of action that is purely a matter of state law.”). A defendant’s attempt at creating federal subject matter jurisdiction by adding claims or defenses to a notice of removal must fail. McAtee v. Capital One, F.S.B., 479 F.3d 1143, 1145 (9th Cir. 2007).

Here, the only claim asserted by plaintiff is for unlawful detainer. See Dkt. No. 1 at 1-2. Defendant cannot create federal subject matter jurisdiction by adding claims or asserting defenses. McAtee, 479 F.3d at 1145. Accordingly, defendant is hereby

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ORDERED to SHOW CAUSE within **twenty (20) days** why the instant action should not be remanded for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Initials of Preparer

____ 00 : ____ 00

CMJ