UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CITIBANK, N.A., AS TRUSTEE FOR THE HOLDERS OF BEAR STEARNS ALT-A TRUST 2006-5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-5,

Plaintiff,

vs.

RAYMUNDO VAN HEMELRIJCK, AND DOES I THROUGH X, INCLUSIVE,

Defendants.

CASE NO. EDCV 12-0901-UA (DTB)

ORDER SUMMARILY REMANDING IMPROPERLY-REMOVED ACTION

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

On June 5, 2012, defendant Raymundo Van Hemelrijck, having been sued in what appears to be a routine unlawful detainer action in California state 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.

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Simply stated, plaintiff could not have brought this action in federal court in the first place, in that defendant did not competently allege facts supplying either diversity or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if complete diversity of citizenship exists, the amount in controversy does not exceed the diversity-jurisdiction threshold of $75,000. See 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint recites that the amount in controversy does not exceed $10,000.

Nor does plaintiff's unlawful detainer action raise any federal legal question. See 28 U.S.C. §§ 1331, 1441(b).

Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior Court of California, Riverside County, 13800 Heacock Street, Building D #201, Moreno Valley, CA 92553, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3) that the Clerk serve copies of this Order on the parties.

IT IS SO ORDERED.

DATED: 6/18/2012

AUDREY B. COLLINS
UNITED STATES DISTRICT JUDGE

Presented by:

David T. Bristow
United States Magistrate Judge