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

BY: 

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11	CM REO TRUST,	} Case No. EDCV12-2101-UA (DUTYx)
12	Plaintiff,	
13	vs.	
14	RACHEL CORDERO, et al.,	
15	Defendants.	

ORDER SUMMARILY REMANDING  
IMPROPERLY-REMOVED ACTION

18 The Court will remand this unlawful detainer action to state court summarily  
19 because it has been removed improperly.

20 On November 29, 2012, defendants Rachel Cordero, Eva Cordero and Anna  
21 Arreaga, having been sued in what appears to be a routine unlawful detainer action  
22 in California state court, lodged a Notice of Removal of that action to this Court.  
23 Defendant Anna Arreaga also presented an application to proceed *in forma pauperis*.  
24 The Court has denied defendant Arreaga's application to proceed *in forma pauperis*  
25 under separate cover because the action was not properly removed. To prevent the  
26 action from remaining in jurisdictional limbo, the Court issues this Order to remand  
27 the action to state court.

28 Simply stated, plaintiff could not have brought this action in federal court in

1 the first place, in that defendants do not competently allege facts supplying either  
2 diversity or federal-question jurisdiction, and therefore removal is improper. 28  
3 U.S.C. §1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563,  
4 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if complete diversity of citizenship  
5 exists, the amount in controversy does not exceed the diversity-jurisdiction threshold  
6 of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer  
7 complaint recites that the amount in controversy does not exceed \$10,000.

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

10 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
11 Superior Court of San Bernardino County, 17780 Arrow Highway, Fontana, CA  
12 92336, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that  
13 the Clerk send a certified copy of this Order to the state court; and (3) that the Clerk  
14 serve copies of this Order on the parties.

15 IT IS SO ORDERED.

16  
17  
18 DATED: 12/10/12

  
\_\_\_\_\_  
GEORGE H. KING  
CHIEF UNITED STATES DISTRICT JUDGE

19  
20 Presented by:

21   
22 \_\_\_\_\_

23 David T. Bristow  
24 United States Magistrate Judge  
25  
26  
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