

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAKE JS-6

CIVIL MINUTES -- GENERAL

Case No. EDCV-13-296-R

Date: FEBRUARY 19, 2013

Title: THR CALIFORNIA LP etc. -V- DORIS BOYKINS

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PRESENT: HONORABLE MANUEL L. REAL, JUDGE

William Horrell
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER (IN CHAMBERS) SUA SPONTE REMANDING ACTION TO STATE COURT

A district court must remand a case to state court “if at any time before final judgment it appears that the district court lacks subject matter jurisdiction.” 28 U.S.C. 1447(c). Because this is an unlawful detainer action, a federal question does not present itself. See Indymac Federal Bank, F.S.B. v. Ocampo, No. CV 09-2337, 2010 WL 234828, *2 (C.D. Cal. Jan. 13, 2010) (sua sponte remanding an action to state court for lack of subject matter jurisdiction where plaintiff’s complaint contained only an unlawful detainer claim). As such, this case is now REMANDED TO STATE COURT. Also, the pro se individual who seems to have attempted this removal, Vada Everett Boykins, is not the named defendant in the underlying action and has no standing to do anything in this case; however, had defendant Doris Boykins herself attempted the removal, the result would be the same, the case would be remanded for the reasons as listed above.

IT IS SO ORDERED AND REMANDED.

cc: counsel of record

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CIVIL -- GEN

Initials of Deputy Clerk ___WH___