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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

COLFIN AI CA 4, LLC,

Plaintiff,

v.

ELDA MARTINEZ,

Defendant.

Case No. EDCV 13-509-UA (DUTYx)

ORDER RE: SUMMARY REMAND  
DUE TO IMPROPER REMOVAL

On March 20, 2013, Elda Martinez lodged a Notice of Removal and an application to proceed *in forma pauperis*. Plaintiff brought suit in a straight-forward unlawful detainer action in the San Bernardino County Superior Court. The Court has denied the aforementioned application under separate cover because this action was not properly removed. As a result, the Court issues this Order to remand the action to state court.

Plaintiff could not have brought this action in federal court based on federal question jurisdiction because the underlying matter is a straight-forward unlawful detainer action. 28 U.S.C. §§ 1331, 1441(a). Further, assuming a claim of diversity jurisdiction was to be asserted as a basis for removal, the Court notes that the amount in controversy in the unlawful detainer action does not exceed \$75,000, excluding interest

1 and costs. 28 U.S.C. §§ 1332(a), 1441(b).


2 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
3 Superior Court of California, San Bernardino County, 303 W. 3rd Street, San  
4 Bernardino, California 92415-0240, for lack of subject matter jurisdiction pursuant to 28  
5 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court;  
6 and (3) that the Clerk serve copies of this Order on the parties.

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8 **IT IS SO ORDERED.**

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10 DATED: 3/26, 2013

  
11 HONORABLE GEORGE H. KING  
12 Chief United States District Judge

13 Presented by:

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15 HONORABLE OSWALD PARADA  
16 United States Magistrate Judge