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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 PUBLIC GUARDIAN
12 CONSERVATOR FOR SAN
13 BERNARDINO COUNTY
14 CONSERVATOR FOR
15 THOMAS W. LEE JR.,

16 Plaintiff,

17 vs.

18 MARI TORRES, ET AL,

19 Defendants.

) Case No. EDCV 13-2210-UA (DUTYx)

) ORDER SUMMARILY REMANDING
) IMPROPERLY-REMOVED ACTION

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

22 On December 3, 2013, defendant Mari Torres, having been sued in what
23 appears to be a routine unlawful detainer action in California state court, lodged a
24 Notice of Removal of that action to this Court and also presented an application to
25 proceed *in forma pauperis*. The Court has denied the latter application under separate
26 cover because the action was not properly removed. To prevent the action from
27 remaining in jurisdictional limbo, the Court issues this Order to remand the action to
28 state court.

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

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

11 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
12 Superior Court of California, San Bernardino County, 17780 Arrow Blvd., Fontana,
13 CA 92335, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2)
14 that the Clerk send a certified copy of this Order to the state court; and (3) that the
15 Clerk serve copies of this Order on the parties.

16 IT IS SO ORDERED.

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19 DATED: 12/13/13



GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE

21 Presented by:

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24 David T. Bristow
25 United States Magistrate Judge
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