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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 243 NORTH MERIDIAN, LLC,
12 Plaintiff,
13 vs.
14 RENE VALENCIA, et al.,
15 Defendants.
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Case No. ED CV 14-923-UA (DUTYx)
ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

17
18 The Court will remand this unlawful detainer action to state court
19 summarily because defendant removed it improperly.

20 On May 8, 2014, defendant Mayra Diaz, having been sued in what appears
21 to be a routine unlawful detainer action in California Superior Court, lodged a
22 Notice of Removal of that action to this Court, and also presented an application to
23 proceed in forma pauperis. The Court has denied the latter application under
24 separate cover because the action was not properly removed. To prevent the
25 action from remaining in jurisdictional limbo, the Court issues this Order to
26 remand the action to state court.

27 Simply stated, plaintiff could not have brought this action in federal court in
28 the first place, in that defendant does not competently allege facts supplying either

1 diversity or federal question jurisdiction, and therefore removal is improper. 28
2 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,
3 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Here, defendant has asserted both
4 federal question jurisdiction and diversity jurisdiction as her bases for removal.
5 But the unlawful detainer action to be removed does not actually raise any federal
6 legal question. *See* 28 U.S.C. §§ 1331, 1441; *Merrell Dow Pharmaceuticals Inc.*
7 *v. Thompson*, 478 U.S. 804, 808, 106 S. Ct. 3229, 92 L. Ed. 2d 650 (1986) (“the
8 question for removal jurisdiction must . . . be determined by reference to the ‘well-
9 pleaded complaint’”). Further, even if complete diversity of citizenship exists, the
10 amount in controversy does not exceed the diversity jurisdiction threshold of
11 \$75,000. *See* 28 U.S.C. §§ 1332, 1441. Contrary to defendant’s contention in the
12 Notice of Removal, the unlawful detainer complaint asserts that the amount in
13 controversy does not exceed \$10,000.

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

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21 DATED: 5/15/14


HONORABLE GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE

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23 Presented by:

24 
25 Sheri Pym
26 United States Magistrate Judge