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

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 U.S. BANK NATIONAL
12 ASSOCIATION NOT IN ITS
13 INDIVIDUAL CAPACITY,
14 BUT SOLELY AS TRUSTEE
15 FOR THE RMAC PASS-
16 THROUGH TRUST, SERIES
17 2013-A,

18 Plaintiff,

19 vs.

20 MARCOS MELCHOR, AND
21 INDIVIDUAL; TERESA
22 MELCHOR, AN INDIVIDUAL;
23 SRIRAM SATHYAMOORTHY
24 AND INDIVIDUAL, AND
25 DOES 1-50, INCLUSIVE,

26 Defendants.

) Case No. EDCV 14-1186-UA (DUTYx)

) ORDER SUMMARILY REMANDING
) IMPROPERLY-REMOVED ACTION

27
28 The Court will remand this unlawful detainer action to state court summarily because it has been removed improperly.

On June 10, 2014, defendant Marcos Melchor, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate

1 cover because the action was not properly removed. To prevent the action from
2 remaining in jurisdictional limbo, the Court issues this Order to remand the action to
3 state court.

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

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

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

19 IT IS SO ORDERED.

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22 DATED: 6/16/14



23 GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE

24 Presented by:

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26 _____

27 David T. Bristow
28 United States Magistrate Judge