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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE ASSOCIATION,	)	Case No. EDCV 14-01220 DDP (SHx)
	)	
Plaintiff,	)	<b>ORDER REMANDING CASE FOR LACK OF SUBJECT MATTER JURISDICTION</b>
v.	)	
SHAWNNA BROWN,	)	
Defendant.	)	

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Plaintiff filed an unlawful detainer complaint against Defendant in state court on February 11, 2014. (Dkt. No. 1) Defendant removed the action to this court on June 13, 2014 on the basis of federal question jurisdiction. (Id.) It appears, however, that there is no federal subject matter jurisdiction in this action. Plaintiff's unlawful detainer complaint raises only issues of state law, and the amount in controversy does not exceed \$75,000.

District courts have original jurisdiction over "all civil actions arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. Though Defendant asserts various

1 federal defenses, "[u]nder the longstanding well-pleaded complaint  
2 rule, . . . a suit 'arises under' federal law only when the  
3 plaintiff's statement of his own cause of action shows that it is  
4 based upon federal law." Vaden v. Discover Bank, 556 U.S. 49, 60  
5 (2009) (quotation, citation, and alteration omitted). "Federal  
6 law" cannot be predicated on a defense or counterclaim. Id.  
7 Defenses based on federal law are, therefore, insufficient to  
8 create federal jurisdiction. See HSBC Bank USA v. Santiago, No. CV  
9 10-04127, 2011 WL 165382, at \*1-2 (C.D. Cal. Jan. 18, 2011).

10 This court lacks subject matter jurisdiction over Plaintiff's  
11 complaint, and remands this case to state court.

12  
13 IT IS SO ORDERED.

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16 Dated: June 24, 2014

  
DEAN D. PREGERSON  
United States District Judge

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21 cc: order, docket, remand letter to  
22 San Bernardino County Superior Court,  
23 Fontana, No. UDFS 1400839  
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