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

BY: 

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEBORAH D. LITTLE,
Plaintiff,
vs.
ROBERT VELASQUEZ DBA
IMLA,
Defendants.

) Case No. EDCV 14-2211-UA (DUTYx)
)
) ORDER DENYING DEFENDANT'S
) REQUEST TO PROCEED WITHOUT
) PREPAYMENT OF FULL FILING FEE

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

On October 28, 2014, defendant Robert Velasquez, having been sued in what appears to be a small claims action for a claim resulting in an attorney-client fee dispute 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 cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to 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 complaint recites
8 that the amount in controversy is \$2,250.00.

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

11 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
12 Superior Court of California, County of San Bernardino, 8303 Haven Avenue,
13 Rancho Cucamonga, CA 91730, for lack of subject matter jurisdiction pursuant to 28
14 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state
15 court; and (3) that the Clerk serve copies of this Order on the parties.

16 IT IS SO ORDERED.

17
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19 DATED: 1/5/15



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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