

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES—GENERAL

**Case No. ED CV-17-00207-MWF (KK)**

**Date: February 8, 2017**

**Title: Palos Verdes Townhomes, LLC v. Elmer Eugenio Gunter, Jr., et al.**

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Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:  
Rita Sanchez

Court Reporter:  
Not Reported

Attorneys Present for Plaintiff:  
None Present

Attorneys Present for Defendant:  
None Present

**Proceedings (In Chambers): ORDER REMANDING ACTION TO STATE COURT**

On January 12, 2017, Plaintiff Palos Verdes Townhomes, LLC filed a Complaint for Unlawful Detainer against Defendants Elmer Eugenio Gunter, Jr. and Robin Gaines in the Riverside County Superior Court. (Notice of Removal at 3 (Docket No. 1)). On February 3, 2017, Defendants removed the action to this Court. (Notice of Removal at 1 (Docket No. 1)).

This Court has a *sua sponte* obligation to confirm that it has subject matter jurisdiction. *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 673 (9th Cir. 2012) (“[I]t is well established that ‘a court may raise the question of subject matter jurisdiction, *sua sponte*, at any time during the pendency of the action . . . .’” (quoting *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir. 2002))).

The Court cannot assert jurisdiction over this matter, because the matter does not arise under federal law. “For a case to ‘arise under’ federal law, a plaintiff’s well-pleaded complaint must establish either (1) that federal law creates the cause of action or (2) that the plaintiff’s asserted right to relief depends on the resolution of a substantial question of federal law.” *K2 Am. Corp. v. Rolland Oil & Gas, LLC*, 653 F.3d 1024, 1029 (9th Cir. 2011) (citation and internal quotation marks omitted). Importantly, there is no federal question jurisdiction even if there is a federal defense to the claim or a counterclaim arising under federal law. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392-93 (1987).

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Defendants contend that the Complaint arises under federal law because Plaintiff's lawsuit violates federal anti-discrimination laws, including 42 U.S.C. § 1983. (Notice of Removal at 2). But Plaintiff's Complaint includes only the state law claim for unlawful detainer, and Defendants' anticipated defenses to that claim cannot confer jurisdiction on this Court.

Accordingly, the Court **REMANDS** the action to the Superior Court of the State of California for the County of Los Angeles. The Court **ORDERS** the Clerk to treat this Order, and its entry on the docket, as an entry of judgment. Local Rule 58-6.

IT IS SO ORDERED.