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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 ALFANSO LEE,

12 Plaintiff,

13 v.

14 NATASHA HILL, et al.,

15 Defendants.  
16

No. EDCV 17-1959-DOC (SSx)

ORDER SUMMARILY REMANDING

IMPROPERLY-REMOVED ACTION

17 The Court will remand this unlawful detainer action to state  
18 court summarily because Defendant removed it improperly.  
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20 On September 26, 2017, Defendants Natasha Hill and Does 1-  
21 10, having been sued in what appears to be a routine unlawful  
22 detainer action in California state court, filed a Notice of  
23 Removal of that action to this Court and also presented an  
24 application to proceed in forma pauperis. The Court has denied  
25 the latter application under separate cover because the action  
26 was not properly removed. To prevent the action from remaining  
27 in jurisdictional limbo, the Court issues this Order to remand  
28

1 the action to state court.

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3 Simply stated, this action could not have been originally  
4 filed in federal court because the complaint does not competently  
5 allege facts supporting either diversity or federal-question  
6 jurisdiction. The assertion in the Notice of Removal that the  
7 Protecting Tenants at Foreclosure Act ("PTFA"), 12 U.S.C. § 5220,  
8 confers federal question jurisdiction is unavailing because the  
9 PTFA merely provides a potential defense in unlawful detainer  
10 actions, which does not support federal question jurisdiction.  
11 See Caterpillar, Inc. v. Williams, 482 U.S. 386, 393 (1987)  
12 ("[F]ederal jurisdiction exists only when a federal question is  
13 presented on the face of plaintiff's properly pleaded  
14 complaint."); Merrell Dow Pharmaceuticals, Inc. v. Thompson, 478  
15 U.S. 804, 808 (1986) ("A defense that raises a federal question  
16 is inadequate to confer federal jurisdiction."); Logan v. U.S.  
17 Bank Nat'l Ass'n, 722 F.3d 1163, 1173 (9th Cir. 2013) ("The PTFA  
18 is framed in terms of 'protections' for tenants, suggesting that  
19 it was intended to provide a defense in state eviction  
20 proceedings rather than a basis for offensive suits in federal  
21 courts").<sup>1</sup> Therefore, removal is improper. 28 U.S.C. §

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23 <sup>1</sup> Courts in this district have repeatedly rejected the  
24 contention that the PTFA provides federal question jurisdiction  
25 in state law unlawful detainer actions. See, e.g., THR  
26 California, LLC v. Hunt, 2012 WL 12882056, at \*1 (C.D. Cal. Oct.  
27 5, 2012) (PTFA "does not confer subject matter jurisdiction on  
28 this Court"); Wells Fargo Bank, N.A. v. Lee, 2012 WL 5505782, at  
\*1 (C.D. Cal. Nov. 13, 2012) (PTFA "cannot serve as the basis for  
establishing federal question jurisdiction" in a "simple state  
law unlawful detainer case"); Nationstar Mortg., LLC v. Ilori,  
2014 WL 197732, at \*3 (C.D. Cal. Jan. 14, 2014) (PTFA defense  
insufficient to confer federal question jurisdiction).

1 1441(a); see also Exxon Mobil Corp. v. Allapattah Svcs., Inc.,  
2 545 U.S. 546, 563 (2005).

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Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior Court of California, County of Riverside, 880 North State Street, Hemet, CA 92543, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) the Clerk send a certified copy of this Order to the state court; and (3) the Clerk serve copies of this Order on the parties.

IT IS SO ORDERED.

DATED: October 11, 2017

*David O. Carter*  
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DAVID O. CARTER  
UNITED STATES DISTRICT JUDGE