

UNITED STATES DISTRICT COURT **JS-6 / REMAND**
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **ED CV 18-46-DMG (KKx)** Date January 11, 2018

Title ***Breckenridge Property Fund 2016, LLC v. Ashanti Carpenter, et al.*** Page 1 of 1

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)

None Present

Attorneys Present for Defendant(s)

None Present

**Proceedings: IN CHAMBERS - ORDER REMANDING ACTION TO RIVERSIDE
COUNTY SUPERIOR COURT**

On October 31, 2017, Plaintiff Breckenridge Property Fund 2016, LLC filed a Complaint for Unlawful Detainer in Riverside County Superior Court against Ashanti D. Carpenter and Does 1–10. Compl. at 1 [Doc. # 1]. Plaintiff seeks restitution and possession of the subject premises, \$83.33 per day for damages (starting from October 31, 2017), costs of suit, and such further relief as the court may deem just and proper. Compl. at 3.

On January 9, 2018, *pro se* Defendant Wesley McDowell removed this unlawful detainer action to federal court, but did not identify any proper basis for this Court’s removal jurisdiction. *See* Removal Notice at 1–2 [Doc. # 1]. Thus, McDowell has failed to discharge his burden of establishing subject matter jurisdiction. *See Marin v. Gen. Hosp. v. Modesto & Empire Traction Co.*, 581 F.3d 941, 944 (9th Cir. 2009) (“The burden of establishing federal subject matter jurisdiction falls on the party invoking removal.”); 28 U.S.C. § 1446(a) (providing that the removal notice must contain “a short and plain statement of the grounds for removal”). Furthermore, it appears that McDowell’s Removal Notice is untimely. A defendant must file notice of removal within 30 days after “receipt by the defendant . . . of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” 28 U.S.C. § 1446(b). Plaintiff filed the Complaint on October 31, 2017, and McDowell’s Removal Notice was not filed until January 9, 2018, over a month after the 30-day deadline likely had passed. McDowell provides no explanation for the apparent delay in removing this action to federal court. *See* Removal Notice at 1–2. Accordingly, this action is hereby **REMANDED** to Riverside County Superior Court.

IT IS SO ORDERED.