

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. SACV 12-00485-CJC(JEMx)

Date: April 6, 2012

Title: WELLS FARGO BANK, NA v. MANNY DE LA CRUZ, ET AL.

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Michelle Urie
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE REMANDED TO STATE COURT

Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”) filed this unlawful detainer action in Orange County Superior Court against Defendant Manny De La Cruz, the owner of the subject property. Defendant Nina Martinez, a tenant of the property filed a pre-judgment claim of right to possession, which permitted her to intervene as a defendant in the suit. Ms. Martinez then removed the action to this Court.

A federal court has subject matter jurisdiction over a case that either raises a question under federal law or is between diverse parties and involves an amount in controversy of over \$75,000. 28 U.S.C. §§ 1331, 1332. A district court must remand a case to state court if it appears at any time before final judgment that the court lacks subject matter jurisdiction. 28 U.S.C. §1447(c). This case appears to be a straightforward action for unlawful detainer, a state-law claim. The Court therefore orders Ms. Martinez to show cause why this case should not be remanded for lack of subject matter jurisdiction. Ms. Martinez shall file a response to the Court’s order to show cause by April 23, 2012. Wells Fargo will then have until April 30, 2012, to file its reply. Upon the filing of Wells Fargo’s reply, the matter will stand submitted.

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