

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 14-1323-DOC (JCGx)

Date: August 20, 2014

Title: PAUL J. O'BRIEN V. RON CARPENTER, ET AL.

PRESENT: THE HONORABLE DAVID O. CARTER, JUDGE

Julie Barrera
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR DEFENDANT:
None Present

PROCEEDINGS (IN CHAMBERS): ORDER TO SHOW CAUSE AS TO WHY THE COURT SHOULD NOT REMAND

On August 19, 2014, pro se Defendants Ron Carpenter and Yvonne Carpenter removed this action from Orange County Superior Court. Notice of Removal (Dkt. 1).¹

The Carpenters assert that the Court has federal question jurisdiction. *Id.* at 2. However, the face of the well-pleaded complaint contains only state law claims for unlawful detainer. *Id.* Ex. 1 at 23–27; *see Vaden v. Discovery Bank*, 556 U.S. 49, 60 (2009) (citing *Louisville & Nashville R. Co. v. Mottley*, 211 U.S. 149, 152 (1908)) (describing the well-pleaded complaint rule).

“Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). They are obligated to examine sua sponte, i.e. on their own accord, jurisdictional issues when it appears that they lack subject matter jurisdiction. *B.C. v. Plumas Unified Sch. Dist.*, 192 F.3d 1260, 1264 (9th Cir. 1999); Fed. R. Civ. P. 12(h)(3) (“Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.”).

Here, the only federal issues appear to be the Carpenters’ possible defenses to the complaint, and do not appear on the face of the complaint.

¹ This Court has a duty to interpret pro se pleadings liberally. *See Hughes v. Rowe*, 449 U.S. 5, 9 (1980); *Bernhardt v. Los Angeles Cnty.*, 339 F.3d 920, 925 (9th Cir. 2003).

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Therefore, the Court hereby **ORDERS** both parties to **SHOW CAUSE** as to why this case should not be remanded to state court. Parties must file briefing to the Court explaining the grounds for federal jurisdiction on or before September 12, 2014. Furthermore, the Court sets a hearing on this matter for Monday, September 29, 2014 at 8:30 a.m.

If the Court receives no response from Defendants, then the case will be **REMANDED** for lack of subject matter jurisdiction.

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk: jcb