1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 CENTRAL DISTRICT OF CALIFORNIA 8 9 JANENE COOK. No. SACV 15-495 CJC (FFMx) 10 Plaintiff. ORDER SUMMARILY REMANDING 11 ACTION TO STATE COURT v. 12 SHARON RAE LIVINGSTON, DOES 1 TO 10, INCLUSIVE, 13 Defendants. 14 15 The Court will remand this action to state court summarily because purported 16 defendant Kimberly Sullivan removed it improperly. 17 Sullivan is the alleged roommate and co-tenant of Sharon Rae Livingston, the 18 defendant in what appears to be a routine unlawful detainer action in California state court 19 20 (Orange County Superior Court Case No. 30-2015-00772774-CL-UD-HNB). On March 31, 2015, Sullivan filed a Notice of Removal of that action to this Court and also 21 presented an application to proceed in forma pauperis. 22 The Court has denied the *in forma pauperis* application under separate cover 23 because the Court lacks jurisdiction over the action. To prevent the action from remaining 24 25 in jurisdictional limbo, the Court issues this Order to remand the action to state court. Simply stated, as the Court previously determined, plaintiff's unlawful detainer 26 action does not raise any federal legal question, and Livingston's and/or Sullivan's 27 anticipated federal law defenses cannot confer federal question jurisdiction. See 28 U.S.C. 28

§ 1331, 1441(a); see also Philips Petroleum Co. v. Texaco, Inc., 415 U.S. 125, 127-28, 94 1 S. Ct. 1002, 39 L. Ed. 2d 209 (1974). Furthermore, even if complete diversity of 2 citizenship existed, the amount in controversy does not exceed the diversity jurisdiction 3 threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On the contrary, the Complaint 4 recites that the amount in controversy does not exceed \$10,000. Therefore, removal was 5 improper. See 28 U.S.C. § 1441(a)-(b). 6 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior 7 Court of California for the County of Orange, 4601 Jamboree Road, Suite 104, Newport 8 Beach, CA 92660, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); 9 (2) that the Clerk send a certified copy of this Order to the state court; and (3) that the 10 Clerk serve copies of this Order on the parties. 11 IT IS SO ORDERED. 12 (/ (· 13 DATED: April 22, 2015 14 **CORMAC J. CARNEY** 15 United States District Judge 16 Presented by: 17 18 /S/ FREDERICK F. MUMM 19 FREDERICK F. MUMM 20 United States Magistrate Judge 21 22 23 24 25 26 27

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