

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

## CIVIL MINUTES – GENERAL

Case No. SACV 16-01064-CJC(JCGx)

Date: June 14, 2016

Title: SUNTRUST MORTGAGE, INC. V. VARINDER KUMAR ET AL.

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PRESENT:

**HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE**Melissa Kunig  
Deputy ClerkN/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:    ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER REMANDING CASE FOR IMPROPER REMOVAL**

On June 8, 2016, Defendant Varinder Kumar removed this unlawful detainer action originally filed in Orange County Superior Court by Plaintiff Suntrust Mortgage, Inc. (Dkt. 1 [“Notice of Removal”].) A defendant may remove a civil action filed in state court to a federal district court if the federal court may exercise original jurisdiction over the action. 28 U.S.C. § 1441(b). A federal court can assert subject matter jurisdiction over cases that (1) involve questions arising under federal law or (2) are between diverse parties and involve an amount in controversy that exceeds \$75,000. 28 U.S.C. §§ 1331, 1332. The defendant removing the action to federal court bears the burden of establishing that the district court has subject matter jurisdiction over the action, and the removal statute is strictly construed against removal jurisdiction. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (“Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.”). Whether subject matter jurisdiction exists may be raised by the Court *sua sponte* at any time. *See* Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”).

Here, Defendant asserts that this Court has diversity jurisdiction because the parties are completely diverse and the amount in controversy exceeds \$75,000. *See* 28

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U.S.C. § 1332. However, the state court complaint clearly seeks damages no greater than \$10,000. (*See* Dkt. 4 at 4; 6.) And Kumar’s argument that the amount-in-controversy is satisfied because he “seeks to quiet title and maintain an interest” in the property is nonsensical. Kumar is the *defendant* in this case; he is not seeking anything. The Court therefore determines that it lacks subject-matter jurisdiction and, on its own motion, **REMANDS** this action to Orange County Superior Court.

sr

MINUTES FORM 11  
CIVIL-GEN

Initials of Deputy Clerk MKU