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

EXTENDED STAY AMERICA,  
Plaintiff,  
v.  
MICHAEL MOORE, *et al.*,  
Defendants.

Case No. SA CV 16-1103 JVS (JCGx)  
**ORDER SUMMARILY REMANDING  
IMPROPERLY REMOVED ACTION**

The Court will summarily remand this unlawful detainer action to state court because Defendants removed it improperly.

On June 14, 2016, Michael Moore and Donna Moore (“Defendants”), having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action in this Court (“Notice”) and also presented requests to proceed *in forma pauperis* (collectively, “IFP Requests”). [Dkt. Nos. 1, 3, 6.] The Court has denied Defendants’ IFP Requests under separate cover because the action was improperly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

1 Simply stated, Plaintiff could not have brought this action in federal court in the  
2 first place, and so removal is improper. Notably, even if complete diversity of  
3 citizenship exists, Defendants cannot properly remove the action because Defendants  
4 reside in the forum state. (*See* Notice at 1); *see also* 28 U.S.C. § 1441(b)(2).

5 Nor does Plaintiff's unlawful detainer proceeding raise any federal legal  
6 question. *See* 28 U.S.C. §§ 1331, 1441. Pursuant to the "well-pleaded complaint  
7 rule," federal-question jurisdiction exists "only when a federal question is presented on  
8 the face of the plaintiff's properly pleaded complaint." *Caterpillar Inc. v. Williams*,  
9 482 U.S. 386, 392 (1987). Here, Plaintiff's underlying complaint asserts a cause of  
10 action for unlawful detainer. [*See* Dkt. No. 1 at 6-8.] "Unlawful detainer is an  
11 exclusively state law claim that does not require the resolution of any substantial  
12 question of federal law." *Martingale Invs.*, 2013 WL 5676237, at \*2 (C.D. Cal.  
13 October 17, 2013). In the Notice, Defendants assert, in conclusory fashion, that their  
14 answer in the state court action requires a "determination of Defendant's rights and  
15 Plaintiff's duties under federal law." (Notice at 2.) However, no federal law appears  
16 on the face of Plaintiff's well-pleaded complaint. [*See* Dkt. No. 1 at 6-8.] Thus, there  
17 is no basis for federal-question jurisdiction. *See Caterpillar*, 482 U.S. at 392; *Vaden v.*  
18 *Discover Bank*, 556 U.S. 49, 60 (2009) (holding that federal-question jurisdiction  
19 "cannot be predicated on an actual or anticipated defense" nor on "an actual or  
20 anticipated counterclaim").

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1 Accordingly, IT IS ORDERED that: (1) this matter be REMANDED to the  
2 Superior Court of California, County of Orange, North Justice Center, 700 Civic  
3 Center Drive West, Santa Ana, CA 92701, for lack of subject matter jurisdiction  
4 pursuant to 28 U.S.C. § 1447(c); (2) the Clerk send a certified copy of this Order to the  
5 state court; and (3) the Clerk serve copies of this Order on the parties.  
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8 DATED: June 27, 2016

  
9 HON. JAMES V. SELNA  
10 UNITED STATES DISTRICT JUDGE  
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