

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER C. BRONSON, an individual,)
and CAROLYN P. BRONSON, an)
individual,)

2:11-cv-03242-GEB-GGH

Plaintiff,)

ORDER

v.)

CAL-WESTERN RECONVEYANCE)
CORPORATION, a California)
corporation; EMC MORTGAGE)
CORPORATION, a Delaware)
corporation; EMC MORTGAGE REAL)
ESTATE SERVICES INC., a Delaware)
corporation; JP MORGAN CHASE)
BANK, N.A., a New York)
corporation, a/k/a CHASE HOME)
FINANCE, LLC; MARIN CONVEYANCING)
CORPORATION, a California)
corporation; MORTGAGE ELECTRONIC)
REGISTRATION SYSTEMS, INC., a)
Delaware corporation; MERSCORP,)
INC., a Delaware corporation;)
GREENPOINT MORTGAGE FUNDING,)
INC., a New York corporation;)
GMAC MORTGAGE LLC; STRUCTURED)
ASSET MORTGAGE INVESTMENTS II)
INC., a Delaware corporation,)
aka STRUCTURED ASSET MORTGAGE)
INVESTMENTS II INC, GREENPOINT)
MTA TRUST 2005-AR-5; WELLS FARGO)
BANK, NATIONAL ASSOCIATION, a)
United States bank, in its own)
capacity and also as Trustee for)
STRUCTURED ASSET MORTGAGE)
INVESTMENTS II INC., GREENPOINT)
MTA TRUST 2005-AR-5; and DOES 1)
through 600, inclusive,)

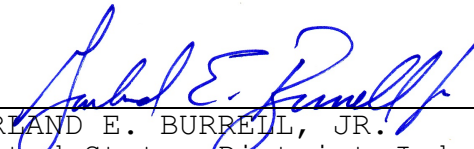
Defendants.)

1 Plaintiffs ex parte motion to remand this case to the state
2 court from which it was removed has prompted the Court to sua sponte
3 consider whether subject matter removal jurisdiction exists. This case
4 was removed from the California Superior Court in the County of Nevada
5 based on diversity removal jurisdiction, which has not been shown to
6 exist.

7 "The removal statute is strictly construed against removal
8 jurisdiction [and] [t]he defendant bears the burden of establishing that
9 removal is proper." Provincial Gov't of Marinduque v. Placer Dome, Inc.,
10 582 F.3d 1083, 1087 (9th Cir. 2009) (citations omitted). "Where doubt
11 regarding the right to removal exists, a case should be remanded to
12 state court." Matheson v. Progressive Specialty Ins. Co., 319 F.3d 1089,
13 1090 (9th Cir. 2003). Diversity jurisdiction "requires that the parties
14 be in complete diversity[.]" Id. at 1090; 28 U.S.C. § 1332(a)(1).

15 Since the removant has failed to show diversity of citizenship
16 removal jurisdiction, this case is remanded to the California Superior
17 Court in the County of Nevada as required by 28 U.S.C. § 1447(c) for
18 lack of subject matter jurisdiction.

19 Dated: December 9, 2011

20
21 
22 _____
GARLAND E. BURRELL, JR.
United States District Judge