

1 Williams, 482 U.S. 386, 392 (1987). However, the exhibits attached to the removal petition
2 establish the state court action is nothing more than a simple unlawful detainer action, and the
3 state court action is titled as such. To the extent defendant seeks to invoke diversity jurisdiction,
4 insufficient allegations are made with respect to the diversity of citizenship of the parties.
5 Defendant¹ has failed to meet his burden of establishing federal jurisdiction and the matter should
6 therefore be remanded. See generally Singer v. State Farm Mutual Automobile Insurance Co.,
7 116 F.3d 373, 375-376 (9th Cir. 1997).

8 Defendant Amos Snell has filed a petition to proceed in forma pauperis. The petition is
9 incomplete. Although defendant indicates he receives a pension, he has not stated the amount.
10 Because the court will recommend remand of this action and defendant Denise Thomas has not
11 joined in the petition to proceed in forma pauperis, the petition will be denied without prejudice.

12 Accordingly, IT IS HEREBY ORDERED that the petition to proceed in forma pauperis
13 (ECF No. 2) is denied without prejudice; and

14 IT IS HEREBY RECOMMENDED that the above-entitled action be summarily remanded
15 to the Superior Court of California, County of Solano.

16 These findings and recommendations are submitted to the United States District Judge
17 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
18 after being served with these findings and recommendations, any party may file written
19 objections with the court and serve a copy on all parties. Such a document should be captioned
20 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
21 shall be served and filed within seven days after service of the objections. The parties are advised

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28 ¹ The court notes that only one defendant signed the removal petition and all defendants did not properly join in the removal.

1 that failure to file objections within the specified time may waive the right to appeal the District
2 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 Dated: May 21, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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