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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

U.S. BANK NATIONAL ASSOCIATION
AS TRUSTEE,

 Plaintiff,

 v.

ROTONDA LLOPIS, et al.,

 Defendants.

No. 2:14-cv-0843 KJM CKD PS

ORDER AND
FINDINGS AND RECOMMENDATIONS

This action was removed from state court. Removal jurisdiction statutes are strictly construed against removal. See Libhart v. Santa Monica Dairy Co., 592 F.2d 1062, 1064 (9th Cir. 1979). “Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.” Gaus v. Miles, 980 F.2d 564, 566 (9th Cir. 1992). “The burden of establishing federal jurisdiction falls on the party invoking removal.” Harris v. Provident Life and Accident Ins. Co., 26 F.3d 930 (9th Cir.1994) (quoting Gould v. Mut. Life Ins. Co. of New York, 790 F.2d 769, 771 (9th Cir. 1986)). Where it appears the district court lacks subject matter jurisdiction, the case shall be remanded. 28 U.S.C. § 1447(c).

In conclusory fashion, the removal petition alleges the complaint is subject to federal question jurisdiction. Removal based on federal question jurisdiction is proper only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint. Caterpillar

1 Inc. v. Williams, 482 U.S. 386, 392 (1987). However, the exhibits attached to the removal
2 petition establish the state court action is nothing more than a simple unlawful detainer action,
3 and the state court action is titled as such. Defendants have failed to meet their burden of
4 establishing federal jurisdiction and the matter should therefore be remanded. See generally
5 Singer v. State Farm Mutual Automobile Insurance Co., 116 F.3d 373, 375-376 (9th Cir. 1997).

6 Defendant Rotonda Llopis has filed a motion to proceed in forma pauperis. Because the
7 court will recommend remand of this action and defendant Gerald Llopis has not joined in the
8 petition to proceed in forma pauperis, the motion will be denied without prejudice.

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

11 IT IS HEREBY RECOMMENDED that the above-entitled action be summarily remanded
12 to the Superior Court of California, County of Solano, Solano Justice Center.

13 These findings and recommendations are submitted to the United States District Judge
14 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
15 after being served with these findings and recommendations, any party may file written
16 objections with the court and serve a copy on all parties. Such a document should be captioned
17 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
18 shall be served and filed within seven days after service of the objections. The parties are advised
19 that failure to file objections within the specified time may waive the right to appeal the District
20 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

21 Dated: April 9, 2014

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23 _____
24 CAROLYN K. DELANEY
25 UNITED STATES MAGISTRATE JUDGE

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