



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 Angelo Vivanco has filed a motion to proceed in forma pauperis. Because the  
7 court will recommend remand of this action and defendant Martha Vielma has not joined in the  
8 petition to proceed in forma pauperis,<sup>1</sup> 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 Sacramento.

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: September 2, 2014

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23 \_\_\_\_\_  
24 CAROLYN K. DELANEY  
25 UNITED STATES MAGISTRATE JUDGE

26 4 fnma-vielma.ifp.remud

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28 <sup>1</sup> This defendant also did not join in the removal petition.