

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. Defendant also contends the action is properly
4 removed under diversity jurisdiction. However, there are no allegations regarding the citizenship
5 of the parties and the amount of controversy is not met on the face of the complaint. Defendant
6 has failed to meet the burden of establishing federal jurisdiction and the matter should therefore
7 be remanded. See generally Singer v. State Farm Mutual Automobile Insurance Co., 116 F.3d
8 373, 375-376 (9th Cir. 1997).

9 Defendant has filed a motion to proceed in forma pauperis. Because the court will
10 recommend remand of this action, the motion will be denied without prejudice.

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

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

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

23 Dated: September 16, 2014

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26 CAROLYN K. DELANEY
27 UNITED STATES MAGISTRATE JUDGE

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