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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SANDRA L. MURPHY,  
Plaintiff,  
v.  
SPENCER NORMAN,  
Defendant.

No. 2:16-cv-01893-KJM-EFB

ORDER

In July, plaintiff Sandra Murphy filed an unlawful detainer action in Sacramento County Superior Court against defendant Spencer Norman. Not. Removal, ECF No. 1. Mr. Norman removed the case to this court on August 11, 2016. *Id.* To establish this court’s jurisdiction, he relies on 28 U.S.C. § 1331, defining this court’s jurisdiction to address claims under federal law, and 12 U.S.C. § 5220, a provision of the “Protecting Tenants at Foreclosure Act of 2009.”

A defendant may remove an action filed in state court to the federal district court embracing the same location if the district court has original jurisdiction over the case. 28 U.S.C. § 1441(a). “If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c).

1 Like most unlawful detainer actions, this case raises questions of only California  
2 law. See *PNC Bank Nat'l Ass'n v. Ahluwalia*, No. 15-01264, 2015 WL 3866892, at \*4 (N.D. Cal.  
3 June 22, 2015) (collecting authority). Mr. Norman cannot rely on anticipated federal defenses or  
4 counterclaims to establish this court's jurisdiction. See *Vaden v. Discover Bank*, 556 U.S. 49, 60  
5 (2009); *Franchise Tax Bd. of Cal. v. Constr. Laborers Vacation Tr.*, 463 U.S. 1,10 (1983). The  
6 court also disagrees that the federal statutes he cites allow removal. See Not. Removal ¶¶ 8–14.  
7 Specifically, defendant's anticipated reliance on 12 U.S.C. § 5220 cannot support the removal of  
8 an unlawful detainer action from state court. See, e.g., *Edwards v. Clark*, No. 16-0147, 2016 WL  
9 690920, at \*2 (E.D. Cal. Jan. 26, 2016); *Fairview Tasman LLC v. Young*, No. 15-05493, 2016  
10 WL 199060, at \*1–3 (N.D. Cal. Jan. 18, 2016).

11 This action is **remanded** to state court on the court's own motion. The motion to  
12 proceed *in forma pauperis* is **denied as moot**.

13 IT IS SO ORDERED.

14 DATED: August 16, 2016.

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18 UNITED STATES DISTRICT JUDGE  
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