1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 VINTAGE OAKS SENIOR No. 2:16-cv-02878-KJM-KJN APARTMENTS, LP, 12 Plaintiff, 13 **ORDER** v. 14 Max Ciardelli, et. al., 15 Defendant. 16 17 18 The issue in this case is unlawful detainer, with an amount in controversy of less 19 than \$4,000. See ECF No. 1 at 11. Defendant Max Ciardelli filed a motion to proceed in forma 20 pauperis (IFP). ECF No. 2. 21 When a case "of which the district courts of the United States have original 22 jurisdiction" is initially brought in state court, a defendant may remove it to federal court. 23 28 U.S.C. § 1441(a). There are two bases for federal subject matter jurisdiction: (1) federal question jurisdiction under 28 U.S.C. § 1331, and (2) diversity jurisdiction under 28 U.S.C. 24 25 § 1332. A federal district court may remand a case *sua sponte* where a defendant has not 26 established federal jurisdiction. See Enrich v. Touche Ross & Co., 846 F.2d 1190, 1195 (9th Cir. 27 1988) (citing Wilson v. Republic Iron & Steel Co., 257 U.S. 92, 97 (1921)). "If at any time 28 1

1	before final judgment it appears that the district court lacks subject matter jurisdiction, the case
2	shall be remanded." 28 U.S.C. § 1447(c).
3	Here, the court finds the case should be remanded to the Sacramento County
4	Superior Court. The amount in controversy is less than \$75,000, and the main issue turns on state
5	law. Removal is improper because this court does not have subject matter jurisdiction under 28
6	U.S.C. § 1331 or § 1332.
7	This case is remanded to Sacramento County Superior Court. Defendant's IFP
8	motion is DENIED as MOOT.
9	This resolves ECF Nos. 1 and 2.
10	IT IS SO ORDERED.
11	DATED: December 8, 2016.
12 13	MA Mulle
14	UNITED STATES DISTRICT JUDGE
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