



1 be remanded." 28 U.S.C. § 1447(c). "The court may - indeed must -  
2 remand an action *sua sponte* if it determines that it lacks  
3 subject matter jurisdiction." GFD, LLC v. Carter, No. CV 12-08985  
4 MMM (FFMx), 2012 WL 5830079, at \*2 (C.D. Cal. Nov. 15, 2012)  
5 (citing Kelton Arms Condo. Owners Ass'n v. Homestead Ins. Co.,  
6 346 F.3d 1190, 1192 (9th Cir. 2003)).

7 Defendant asserts in the NOR that this case is  
8 removable to this court because of the existence of federal  
9 questions, granting this court jurisdiction. (NOR at 2.)

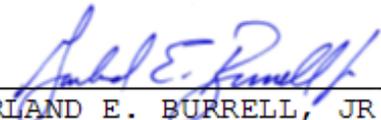
10 However, review of the Complaint reveals Plaintiff  
11 alleges a single California claim for unlawful detainer, and  
12 "[a]s a general rule, . . . a case will not be removable if the  
13 complaint does not affirmatively allege a federal claim."  
14 Beneficial Nat'l Bank v. Anderson, 539 U.S. 1, 6 (2003). "The  
15 presence or absence of federal-question jurisdiction is governed  
16 by the 'well-pleaded complaint rule,' which provides that federal  
17 jurisdiction exists only when a federal question is presented on  
18 the face of the plaintiff's properly pleaded complaint." Retail  
19 Prop. Trust v. United Bhd. of Carpenters & Joiners of Am., 768  
20 F.3d 938, 947 (9th Cir. 2014) (internal quotation marks omitted)  
21 (quoting Caterpillar Inc. v. Williams, 482 U.S. 386, 393 (1987)).  
22 "Moreover, 'it is well established that [the] plaintiff is the  
23 master of [its] complaint and can plead to avoid federal  
24 jurisdiction.'" Goraya v. Martinez, No. 2:15-cv-2375-JAM-KJN,  
25 2015 WL 7281611, at \*2 (E.D. Cal. Nov. 17, 2015) (quoting  
26 Loowdermilk v. U.S. First Nat'l Ass'n, 479 F.3d 994, 998-99 (9th  
27 Cir. 2007), overruled on other grounds, Rodriguez v. AT & T  
28 Mobility Servs. LLC, 728 F.3d 975, 977 (9th Cir. 2013))

1 (remanding unlawful detainer action *sua sponte*).

2 For the stated reasons, this case is remanded to the  
3 Superior Court of California for the County of Sacramento.

4 Dated: February 14, 2017

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GARIAND E. BURRELL, JR.  
Senior United States District Judge