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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROEM BUILDERS INCORPORATED,
Plaintiff,
v.
KUMBA PARKER,
Defendant.

No. 2:17-cv-00632-GEB-CKD

SUA SPONTE REMAND ORDER*

On March 27, 2017, Defendant filed a Notice of Removal removing this unlawful detainer case from the Superior Court of California for the County of San Joaquin. (Notice of Removal ("NOR"), ECF No. 1.) For the following reasons, the Court *sua sponte* remands this case to the Superior Court of California for the County of San Joaquin for lack of subject matter jurisdiction.

"There is a 'strong presumption against removal jurisdiction,' and the removing party has the burden of establishing that removal is proper." Lindley Contours, LLC v. AABB Fitness Holdings, Inc., 414 F. App'x 62, 64 (9th Cir. 2011) (quoting Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)). "If at any time before final judgment it appears that the

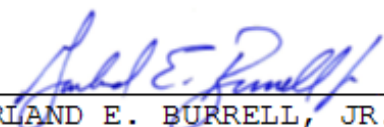
* The undersigned judge revokes any actual or anticipated referral to a Magistrate Judge for the purposes of Findings and Recommendations in this case.

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

8 Defendant asserts in the NOR that federal question
9 removal jurisdiction exists based on his "Answer to the
10 complaint" in which he defends against the unlawful detainer
11 complaint by asserting that Plaintiff "failed to comply with The
12 Protecting Tenants at Foreclosure Act [12 U.S.C. § 5220]." (NOR
13 ¶¶ at 8 and 10.)

14 However, Defendant has not shown "that Federal
15 jurisdiction can[] be predicated on [his] an actual or
16 anticipated defense" to the pled unlawful detainer lawsuit. Vaden
17 v. Discover Bank , 556 U.S. 49, 60 (2009). Therefore this case is
18 remanded to the Superior Court of California for the County of
19 San Joaquin.

20 Dated: March 28, 2017

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