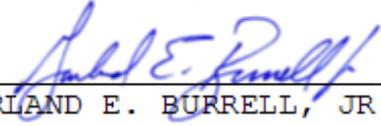


1 be remanded." 28 U.S.C. § 1447(c). "The court may – indeed must –
2 remand [a case] *sua sponte* if it determines that it lacks subject
3 matter jurisdiction." GFD, LLC v. Carter, No. CV 12-08985 MMM
4 (FFMx), 2012 WL 5830079, at *2 (C.D. Cal. Nov. 15, 2012) (citing
5 Kelton Arms Condo. Owners Ass'n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

7 Defendant argues in the NOR that federal question
8 removal jurisdiction exists because "[t]he complaint presents
9 federal questions," and his state court filings raise questions
10 of federal law. NOR ¶¶ 6, 8, 10.

11 However, the Complaint attached to the NOR only
12 contains a California unlawful detainer claim. NOR Ex. A, at 11-
13 13. "As a general rule, . . . a case will not be removable if
14 the complaint does not affirmatively allege a federal claim."
15 Beneficial Nat'l Bank v. Anderson, 539 U.S. 1, 6 (2003).
16 Furthermore, "[f]ederal jurisdiction cannot be predicated on an
17 actual or anticipated defense." Vaden v. Discover Bank, 556 U.S.
18 49, 60 (2009). Therefore, the federal court lacks subject matter
19 jurisdiction and this case is remanded to the Superior Court of
20 California for the County of Solano.

21 Dated: May 2, 2017

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23
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25 _____
26 GARIAND E. BURRELL, JR.
27 Senior United States District Judge
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