

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Aminian Yazdi, Trustee of the Aminian Yazdi Trust,

Plaintiff,

v.

Juan Garcia and Aracelia Olivares,

Defendants.

No. 2:24-cv-01311-KJM-CKD

ORDER

Plaintiff commenced this unlawful detainer action in state court under California law as a limited civil case in which the amount claimed does not exceed \$10,000. *See* Compl. at 14,¹ Ex. 1, ECF No. 1. Defendant Olivares, who is not represented by counsel, then removed the action to this court. Contrary to the notice of removal, the complaint asserts no federal claims, and the amount in controversy does not exceed \$75,000. This court therefore lacks jurisdiction. *See* 28 U.S.C. § 1441(a) (removal jurisdiction); *id.* § 1331 (federal question jurisdiction); *id.* § 1332 (diversity jurisdiction).

Defendant alleges in its notice of removal that this action involves a federal question. *See* Not. Removal at 4. As noted above, however, the complaint asserts no federal claims, and under

¹ All page ranges refer to the page numbers applied by the CM/ECF system at the top right of each page.

1 the longstanding “well-pleaded complaint rule,” a suit “arises under” federal law “only when the
2 plaintiff’s statement of his own cause of action shows that it is based upon [federal law].”
3 *Louisville & Nashville R.R. Co. v. Mottley*, 211 U.S. 149, 152 (1908). Federal question
4 jurisdiction cannot rest upon an actual or anticipated defense or counterclaim. *See Vaden v.*
5 *Discover Bank*, 556 U.S. 49, 60 (2009).

6 A federal district court may remand a case *sua sponte* if a defendant has not established
7 federal jurisdiction. *See* 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that
8 the district court lacks subject matter jurisdiction, the case shall be remanded”); *Enrich v.*
9 *Touche Ross & Co.*, 846 F.2d 1190, 1195 (9th Cir. 1988) (citing *Wilson v. Republic Iron & Steel*
10 *Co.*, 257 U.S. 92, 97 (1921)). **This action is therefore remanded to the state court.**

11 IT IS SO ORDERED.

12 DATED: May 8, 2024.

13 
14 CHIEF UNITED STATES DISTRICT JUDGE