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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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JP MORGAN CHASE BANK NATIONAL ASSOCIATION,

No. C 10-485 SI

Plaintiff,

**ORDER AMENDING MARCH 19, 2010
ORDER**

v.

JAMIE AWAD,

Defendant.

By order filed March 19, 2010, the Court remanded this case to state court. At the time the Court filed the order, the Court was not aware that defendant had filed a response to this Court's March 8, 2010 Order to Show Cause.¹

The Court has reviewed defendant's March 19, 2010 filing, and concludes that remand was warranted because the Court does not have jurisdiction over this case. Defendant asserts that removal was proper because there is diversity jurisdiction. However, as the Court previously explained, where there is no federal question jurisdiction, an action is not removable on the basis of diversity of citizenship if the defendant is a citizen of the state in which the action was brought. *See* 28 U.S.C. § 1441(a), (b). Defendant's March 19, 2010 filing states that he is a citizen of California. Thus, defendant cannot remove this unlawful detainer action to federal court.

IT IS SO ORDERED.

Dated: March 22, 2010



SUSAN ILLSTON
United States District Judge

¹ This Court's March 8, 2010 OSC required a response by defendant no later than March 19, 2010. Mr. Awad did in fact file his response on that date, but it was not docketed until March 22, 2010 and this Court did not see it until then.