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28IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TISHAU PARTNERS,

No. C 10-835 SI

Plaintiff,

**ORDER DIRECTING FURTHER  
BRIEFING REGARDING  
JURISDICTION**

v.

GRACE MILES,

Defendant.  

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On March 4, 2010, the Court issued an Order to Show Cause why this unlawful detainer action should not be remanded to state court for lack of jurisdiction. Ms. Miles has responded to the Order to Show Cause, and asserts that removal was proper because there are numerous grounds for federal jurisdiction that she failed to assert in the original notice of removal. *See* Response at 2:1-19. It also appears that Ms. Miles continues to claim that this case is removable on the basis of diversity jurisdiction. However, as explained in the Court's March 4, 2010 order, 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). Ms. Miles' response to the Order to Show Cause appears to concede that she is a California resident, and therefore Ms. Miles cannot remove this action on the basis of diversity jurisdiction.

The Court requests that plaintiff file a response to Ms. Miles's March 5, 2010 filing, and address whether this Court has jurisdiction under any of the new statutes identified by defendant. Plaintiff's response must be filed no later than **March 17, 2010**. Ms. Miles may file a reply to plaintiff's filing no later than **March 22, 2010**. The Court will then take the matter under submission and issue an order

1 shortly thereafter.

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3 **IT IS SO ORDERED.**

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5 Dated: March 9, 2010

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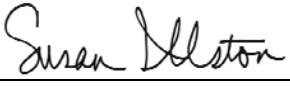
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SUSAN ILLSTON  
United States District Judge