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UNITED STATES DISTRICT COURT
Northern District of California

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

No. C 11-2580 MEJ

ORDER TO SHOW CAUSE

Plaintiff,

v.

JUANITO DIMAYUGA,

Defendant.

On May 27, 2011, Defendant Juanito Dimayuga removed this unlawful detainer action from Contra Costa County Superior Court. However, an unlawful detainer action does not arise under federal law but is purely a creature of California law. *Wells Fargo Bank v. Lapeen*, 2011 WL 2194117, at *3 (N.D. Cal. June 6, 2011); *Wescom Credit Union v. Dudley*, 2010 WL 4916578, at *2 (C.D. Cal. Nov. 22, 2010). Thus, it appears that jurisdiction is lacking and the case should be remanded to state court. Accordingly, the Court ORDERS Defendant Juanito Dimayuga to show cause why this case should not be remanded to the Contra Costa County Superior Court. Defendant shall file a declaration by September 22, 2011, and the Court shall conduct a hearing on September 29, 2011 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. In his declaration, Defendant must address how this Court has jurisdiction over Plaintiff's unlawful detainer claim. Defendant should be mindful that an anticipated federal defense is not sufficient to confer jurisdiction. *Franchise Tax Bd. of California v. Construction Laborers Vacation Trust*, 463 U.S. 1, 10 (1983). The September 8, 2011 c.m.c. is vacated.

IT IS SO ORDERED.

Dated: September 6, 2011



Maria-Elen James
Chief United States Magistrate Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Case Number: 11-2580 MEJ

Plaintiff,

CERTIFICATE OF SERVICE

v.

JUANITO DIMAYUGA

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 6, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Juanito Dimayuga
2986 Chevy Way
San Pablo, CA 94806

Dated: September 6, 2011

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk