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

LAST MILE PROPERTIES, LLC,

No. C 11-04025 CRB

Plaintiff,

**ORDER REMANDING CASE**

v.

JESUS URIBE, ET AL.,

Defendants.

Defendants Jesus and Lorena Uribe removed this case from state court on August 17, 2011. See dk. 1. The case was reassigned on September 16, 2011. See dk. 6. Upon review of the state court complaint attached to the Notice of Removal, see dk. 1, it is apparent to the Court that it does not have jurisdiction over this case.

Federal question jurisdiction exists only when a federal question exists on the face of a well-pleaded complaint. See Wayne v. DHL Worldwide Express, 294 F.3d 1179, 1183 (9th Cir. 2002). The state court complaint here involves only a claim of unlawful detainer. see dk. 1 (“COMPLAINT IN UNLAWFUL DETAINER”). Therefore, no federal question is presented. See Deutsche Bank Nat. Trust Co. v. Ashley, No. 07-cv-1164-BEN, 2007 WL 2317104, at \*1 (S.D. Cal. Aug. 8, 2007). That Defendants have asserted numerous federal causes of action in their removal, see dk. 1, presumably as defenses, does not give the Court subject matter jurisdiction. See Alton Box Bd. Co. v. Esprit de Corp., 682 F.2d 1267, 1274

1 (9th Cir. 1982). Moreover, based upon the face of the well-pleaded complaint, which alleges  
2 that the amount in controversy is “under \$10,000,” and indicates that Defendants are what is  
3 known as local defendants (residing in the State in which this action has been brought),  
4 see dkt. 1, there is also no diversity jurisdiction. See 28 U.S.C. § 1441(b).

5 Accordingly, this case is REMANDED to Alameda County Superior Court.

6 **IT IS SO ORDERED.**



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

8 Dated: September 19, 2011

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