

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 CHV, INC. and DASH STRATEGIES, LLC,

No. C 11-04933 CRB

12 Plaintiffs,

**ORDER REMANDING CASE**

13 v.

14 ALMA L. CUSTODIO, and DOES 1 to 10,

15 Defendants.  
16 \_\_\_\_\_/

17 Defendants Alma L. Custodio removed this case from state court on October 5, 2011.  
18 See dk. 1. The case was reassigned on October 17, 2011. See dk. 8. Upon review of the  
19 state court complaint attached to the Notice of Removal, see dk. 1 Ex. A, it is apparent to the  
20 Court that it does not have jurisdiction over this case.


21 Federal question jurisdiction exists only when a federal question exists on the face of  
22 a well-pleaded complaint. See Wayne v. DHL Worldwide Express, 294 F.3d 1179, 1183  
23 (9th Cir. 2002). The state court complaint here involves only a claim of unlawful detainer.  
24 See dk. 1 Ex. A (“COMPLAINT FOR UNLAWFUL DETAINER”). Therefore, no federal  
25 question is presented. See Deutsche Bank Nat. Trust Co. v. Ashley, No. 07-cv-1164-BEN,  
26 2007 WL 2317104, at \*1 (S.D. Cal. Aug. 8, 2007). That Defendants have asserted “a  
27 defense arising under the express terms of a Federal statute” in their removal, see dk. 1 at 2,  
28 does not give the Court subject matter jurisdiction. See Alton Box Bd. Co. v. Esprit de

1 Corp., 682 F.2d 1267, 1274 (9th Cir. 1982). Moreover, based upon the face of the well-  
2 pleaded complaint, which alleges that the amount in controversy is "\$100," and indicates that  
3 Defendants are what is known as local defendants (residing in the State in which this action  
4 has been brought), see dkt. 1 Ex. A at 1-2, there is also no diversity jurisdiction. See 28  
5 U.S.C. § 1441(b).

6 Accordingly, this case is REMANDED to San Mateo County Superior Court.

7 **IT IS SO ORDERED.**

8  
9 Dated: October 18, 2011

  
10 CHARLES R. BREYER  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28