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6	IN THE UNITED STATES DISTRICT COURT	
7	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
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9	GMAC MORTGAGE LLC,	
10	Plaintiff,	No. C 11-05475 JSW
11	V.	
12	MIGUEL LOPEZ,	ORDER ADOPTING REPORT AND RECOMMENDATION AND
13	Defendant.	REMANDING ACTION TO STATE COURT
14	·	
15	On November 10, 2011, Defendant Miguel Lopez removed this unlawful detainer action	
16	from Solano County Superior Court. However, an unlawful detainer action does not arise under	
17	federal law but is purely a creature of California law. Wells Fargo Bank v. Lapeen, 2011 WL	
18	2194117, at *3 (N.D. Cal. June 6, 2011); Wescom Credit Union v. Dudley, 2010 WL 4916578,	
19	at *2 (C.D. Cal. Nov. 22, 2010). Thus, it appears that jurisdiction is lacking and the case should	
20	be remanded to state court.	
21	This matter was pending before Magistrate Judge Maria-Elena James who set out the	

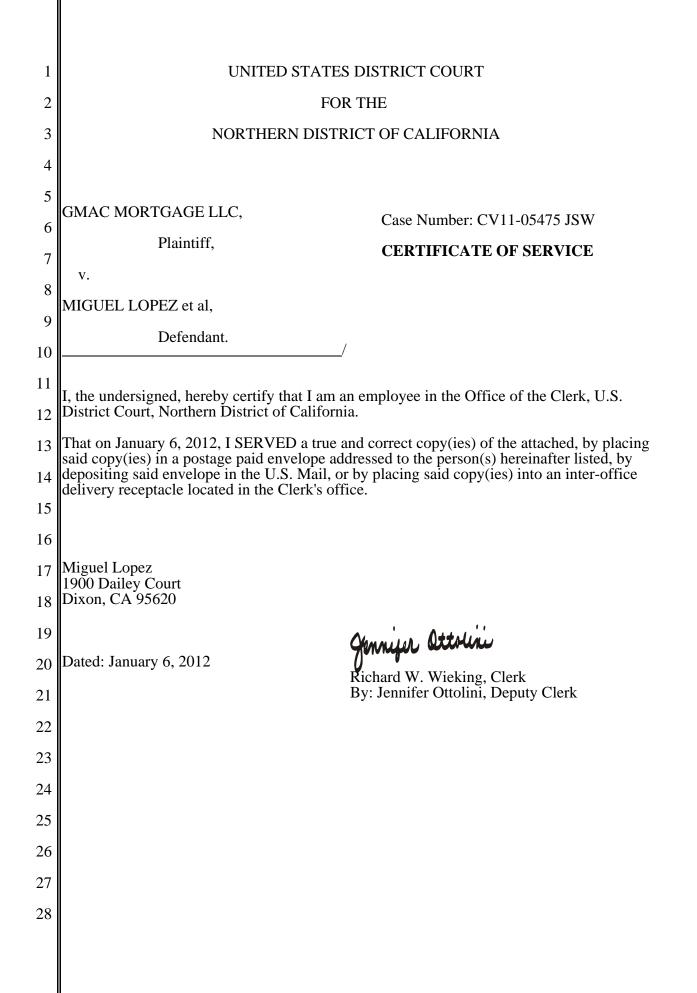
jurisdictional standard and an order requiring Defendant Miguel Lopez to appear to show cause
in writing why this case should not be remanded to the Solano County Superior Court. Having
received no response and, facing reassignment to the undersigned, Magistrate James set out a
Report and Recommendation ("Report") finding that jurisdiction was lacking and
received any objections to the Report.

United States District Court For the Northern District of California

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The Court has reviewed Magistrate Judge James' Report and finds it correct, well-reasoned and thorough, and adopts it in every respect. Accordingly, this case is REMANDED to the Solano County Superior Court. IT IS SO ORDERED. Dated: January 5, 2012 JEFFR UNITED STATES DISTRICT JUDGE



United States District Court For the Northern District of California