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3 UNITED STATES DISTRICT COURT
4 Northern District of California
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6 U.S. BANK NATIONAL ASSOC.,

No. C 11-5476 MEJ

7 Plaintiff,

ORDER TO SHOW CAUSE

8 v.


9 MANUEL ROBLES,

10 Defendant.
_____ /

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12 On November 10, 2011, Defendant Manuel Robles removed this unlawful detainer action
13 from Alameda County Superior Court. However, an unlawful detainer action does not arise under
14 federal law but is purely a creature of California law. *Wells Fargo Bank v. Lapeen*, 2011 WL
15 2194117, at *3 (N.D. Cal. June 6, 2011); *Wescom Credit Union v. Dudley*, 2010 WL 4916578, at *2
16 (C.D. Cal. Nov. 22, 2010). Thus, it appears that jurisdiction is lacking and the case should be
17 remanded to state court. Accordingly, the Court ORDERS Defendant Manuel Robles to show cause
18 why this case should not be remanded to the Alameda County Superior Court. Defendant shall file a
19 declaration by December 1, 2011, and the Court shall conduct a hearing on December 15, 2011 at
20 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. In his
21 declaration, Defendant must address how this Court has jurisdiction over Plaintiff's unlawful detainer
22 claim. Defendant should be mindful that an anticipated federal defense is not sufficient to confer
23 jurisdiction. *Franchise Tax Bd. of California v. Construction Laborers Vacation Trust*, 463 U.S. 1,
24 10 (1983).

25 **IT IS SO ORDERED.**

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27 Dated: November 17, 2011

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Maria-Elena James
Chief United States Magistrate Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

U.S. BANK NATIONAL ASSOC.,

Plaintiff,

v.

MANUEL ROBLES,

Defendant.

Case Number: CV11-05476 MEJ

CERTIFICATE OF SERVICE

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 November 17, 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.

Manuel Robles
21667 Westfield Avenue
Hayward, CA 94541

Dated: November 17, 2011

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