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

UNITED STATES BANK, N.A.,

No. C 11-05476 WHA

Plaintiff,

v.

MANUEL ROBLES,

Defendant.

**ORDER ADOPTING REPORT
AND RECOMMENDATION
REMANDING ACTION TO
STATE COURT AND GRANTING
IN FORMA PAUPERIS**

The undersigned has reviewed Magistrate Judge Maria-Elena James' report and recommendation regarding defendant Manuel Robles' notice of removal filed in this unlawful detainer action. No objection was made to the report. As discussed in detail in the report, the complaint presents no federal question whatsoever and the requirements of diversity are not met because the complaint states the amount in controversy does not exceed \$10,000. On December 1, 2011, Magistrate Judge James issued an order to show cause why the case should not be remanded to the Superior Court of California, County of Alameda, for lack of subject-matter jurisdiction. Defendant failed to respond. This order **ADOPTS** in full the report and recommendation of Magistrate Judge James to remand this action *sua sponte* to state court.

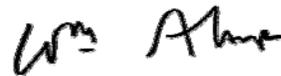
Defendant Manuel Robles has submitted an application to proceed in forma pauperis (Dkt. No. 2). Pursuant to 28 U.S.C. 1915(a), a court may authorize a party to pursue an action in federal court without prepayment of fees or security if the party submits an affidavit showing that it is unable to pay such fee or provide security. Having reviewed defendant's application to proceed in forma pauperis, it appears he is unable to pay the required fee.

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Based on the foregoing, the undersigned **GRANTS** the application to proceed in forma pauperis but **REMANDS** this action to the Superior Court of California, County of Alameda, for lack of subject-matter jurisdiction.

IT IS SO ORDERED.

Dated: December 21, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE