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28UNITED STATES DISTRICT COURT
Northern District of California

US BANK NATIONAL ASSOCIATION,

No. C 11-6153 MEJ

Plaintiff,

ORDER TO SHOW CAUSE

v.

ROSIE ALVARADO, et al.,

Defendants.

On December 7, 2011, Defendant Rosie Alvarado removed this unlawful detainer action from Contra Costa County Superior Court. However, an unlawful detainer action does not arise under federal law but is purely a creature of California law. *Wells Fargo Bank v. Lapeen*, 2011 WL 2194117, at *3 (N.D. Cal. June 6, 2011); *Wescom Credit Union v. Dudley*, 2010 WL 4916578, at *2 (C.D. Cal. Nov. 22, 2010). Thus, it appears that jurisdiction is lacking and the case should be remanded to state court. Accordingly, the Court ORDERS Defendant Rosie Alvarado to show cause why this case should not be remanded to the Contra Costa County Superior Court. Defendant shall file a declaration by December 27, 2011, and the Court shall conduct a hearing on January 12, 2012 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. In her declaration, Defendant must address how this Court has jurisdiction over Plaintiff's unlawful detainer claim. Defendant should be mindful that an anticipated federal defense is not sufficient to confer jurisdiction. *Franchise Tax Bd. of California v. Construction Laborers Vacation Trust*, 463 U.S. 1, 10 (1983).

IT IS SO ORDERED.

Dated: December 13, 2011



Maria-Elena James
Chief United States Magistrate Judge

