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UNITED STATES DISTRICT COURT
Northern District of California

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6 US BANK NATIONAL ASSOCIATION, No. C 11-6153 MEJ

7 Plaintiff,

ORDER TO SHOW CAUSE

8 v.

9 ROSIE ALVARADO, et al.,

10 Defendants.

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12 On December 7, 2011, Defendant Rosie Alvarado removed this unlawful detainer action from
13 Contra Costa 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 Rosie Alvarado to show cause
18 why this case should not be remanded to the Contra Costa County Superior Court. Defendant shall
19 file a declaration by December 27, 2011, and the Court shall conduct a hearing on January 12, 2012
20 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. In
21 her declaration, Defendant must address how this Court has jurisdiction over Plaintiff's unlawful
22 detainer claim. Defendant should be mindful that an anticipated federal defense is not sufficient to
23 confer jurisdiction. *Franchise Tax Bd. of California v. Construction Laborers Vacation Trust*, 463
24 U.S. 1, 10 (1983).

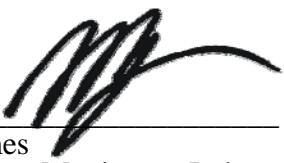
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IT IS SO ORDERED.

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27 Dated: December 13, 2011

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Maria-Elena James
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

4 US BANK NATIONAL ASSOCIATION,
5 Plaintiff,
6 v.
7 ROSIE ALVARADO, et al.,
8 Defendants.

Case Number: CV11-6153 MEJ

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on December 13, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 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.

14 Rosie Alvarado
15 4421 Pampas Circle
 Antioch, CA 94531

Dated: December 13, 2011

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