

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

DEUTESHE BANK TRUST COMPANY  
AMERICAS AS TRUSTEE,

Plaintiff,

v.

JOHN ROBINSON, et al.,  
Defendant.

---

No. C 12-00744 CRB

**ORDER OF REMAND**

Defendant John Robinson removed this case from state court on February 15, 2012. See dkt. 1. The case was reassigned on March 5, 2012. See dkt. 9. Upon review of the state court complaint attached to the Notice of Removal, it is apparent to the Court that it does not have jurisdiction over the matter. Accordingly, the Court REMANDS the case to state court.

Federal question jurisdiction exists only when a federal question exists on the face of a well-pleaded complaint. See Wayne v. DHL Worldwide Express, 294 F.3d 1179, 1183 (9th Cir. 2002). The state court complaint here involves only a claim of unlawful detainer. Notice of Removal Ex. A at 1. Therefore, no federal question is presented. See Deutsche Bank Nat. Trust Co. v. Ashley, No. 07-1164, 2007 WL 2317104, at \*1 (S.D. Cal. Aug. 8, 2007).

Moreover, based upon the face of the well-pleaded complaint, which alleges that the amount in controversy is “under \$10,000,” and indicates that Defendant is what is known as

1 a local defendant (residing in the State in which this action has been brought), there is also no  
2 diversity jurisdiction. See Notice of Removal Ex. A at 1; 28 U.S.C. § 1441(b)(2).

3 Accordingly, the Court REMANDS this matter to the Superior Court of the State of  
4 California, County of Alameda.

5 **IT IS SO ORDERED.**

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: March 9, 2012



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE