

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

United States District Court
For the Northern District of California

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

POLYMATHIC PROPERTIES, INC.,

No. C 12-2507 SI

Plaintiff,

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE REMANDED TO
STATE COURT FOR LACK OF
JURISDICTION**

v.

DON G. MARAMAG, *et al.*,

Defendants.

On May 16, 2012, *pro se* defendants Don G. Maramag and Bernardina Maramag removed this unlawful detainer action from state court. Under the well-pleaded complaint rule, the basis for removal jurisdiction must be evident from the complaint. *See Franchise Tax Bd. of California v. Construction Laborers Vacation Trust for So. California*, 463 U.S. 1, 9-12 (1983) (discussing well-pleaded complaint rule). From the face of the complaint, this Court lacks jurisdiction because there are no federal claims in the lawsuit. Where there is no federal question jurisdiction, an action is not removable on the basis of diversity of citizenship if the defendant is a citizen of the state in which the action was brought. *See* 28 U.S.C. § 1441(a), (b). Here, the notice of removal states that defendants are California residents, and thus removal is improper.

Accordingly, **defendants are ORDERED TO SHOW CAUSE in writing no later than July 3, 2012 why this case should not be remanded to the Superior Court for the County of Napa.** If defendants assert that removal was proper and this Court has jurisdiction, defendants must specifically

1 identify the basis for jurisdiction.

2 Until further order of the Court, briefing on plaintiff's motion to remand is suspended.

3

4 **IT IS SO ORDERED.**

5

6 Dated: June 22, 2012

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



SUSAN ILLSTON
United States District Judge