

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11  
12 CALIFORNIA HOUSING FINANCE  
AGENCY,

13 Plaintiff,

14 v.  
15

16 DAVID HERRERA,

17 Defendant.  
18

Case No.: 12-3301 JSC

**SUA SPONTE REQUEST FOR  
RELATED CASE DETERMINATION  
(Civil L.R. 3-12(c))**

19  
20 Defendant David Herrera, proceeding pro se, removed this unlawful detainer civil  
21 action from the Contra Costa County Superior Court alleging diversity jurisdiction under 28  
22 U.S.C. § 1332 (c)(1). Plaintiff, the California Housing Finance Agency, filed the action on  
23 November 22, 2011 seeking to evict Defendant from real property located at 570 Douglas  
24 Drive, Brentwood, California 94513.

25 Northern District of California Local Rule 3-12(c) provides: Whenever a Judge  
26 believes that a case pending before that Judge is related to another case, the Judge may refer  
27 the case to the Judge assigned to the earliest- filed case with a request that the Judge assigned  
28 to the earliest-filed case consider whether the cases are related.

United States District Court  
Northern District of California

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 reviewing Defendant’s Notice of Removal and the related-filed documents, it has come to the Court’s attention that this action may be related to California Housing Authority v. Herrera, No. 12-00105-WHA. The earlier action also sought to remove the same unlawful detainer action filed against Defendant David Herrera in the Contra Costa County Superior Court. The basis for removal in that action was federal question jurisdiction. The Honorable Judge Alsup remanded that case back the Superior Court of California, County of Contra Costa on May 4, 2012. See California Housing Authority v. Herrera, No. 12-00105 WHA, Dkt. No. 20. In this action, Defendant seeks to remove the same unlawful detainer action concerning the same real property; however, this time he alleges diversity jurisdiction.<sup>1</sup>

Accordingly, pursuant to Local Rule 3-12(c) this action is referred to the Honorable William Alsup for a determination of whether this action is related to California Housing Authority v. Herrera, No. 12-00105-WHA.

**IT IS SO ORDERED.**

Dated: August 7, 2012

  
\_\_\_\_\_  
JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup> The Court notes that it does not appear that diversity jurisdiction exists because Plaintiff, the California Housing Finance Agency, is state agency and thus a resident of California, and Defendant is also a resident of California. (Dkt. No. 1, p. 2). Accordingly, the Court may lack subject matter jurisdiction over this later filed action. See Valdez v. Allstate Ins. Co., 372 F.3d 1115, 1116 (9th Cir. 2004).