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

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR LONG  
BEACH MORTGAGE TRUST 2005-WL3,

No. C 12-06235 WHA

Plaintiff,

**ORDER REMANDING ACTION**

v.

ANGEL CHAVEZ and ADRIANA  
CHAVEZ, and DOES 1-20, inclusive,

Defendants.

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On May 7, 2012, plaintiff Deutsche Bank National Trust Company filed an unlawful detainer action in Superior Court of California, County of Stanislaus to obtain possession of residential real property (Case No. 675145). The complaint alleged that defendant owes plaintiff: (1) restitution of the property; (2) damages at the rate of \$50 per day from May 3, 2012, for each day that defendants continued in possession of the property; and (3) costs of suit and further relief as is proper. Plaintiff's complaint stated that the amount demanded does not exceed \$10,000. Pro se defendants Angel and Adriana Chavez removed the action to federal court. By order dated October 5, 2012, the action was remanded by the undersigned judge for lack of jurisdiction (Case No. 12-cv-04254, Dkt. No. 16).

Defendants again removed the same unlawful detainer action to federal court. Plaintiff filed a motion to relate cases, which was granted (Case No. 12-6235, Dkt. No. 11). As stated in the prior order:

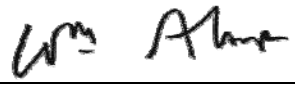
Remand is appropriate here. A state-law claim for unlawful detainer does not arise from federal law. Furthermore, even if defendant had asserted jurisdiction under the diversity statute, 28 U.S.C. Section 1332, the amount in controversy claimed by plaintiff is under \$10,000, which is far below the amount-in-controversy requirement for diversity jurisdiction.

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(Case No. 12-cv-04254, Dkt. No. 16). In this second notice of removal, defendants have not provided any additional reason why federal subject-matter jurisdiction is not lacking here. As this is the second time defendants have removed this action, albeit this time on the basis of diversity jurisdiction rather than federal-question jurisdiction, defendants are asked to please not remove this action again. Defendants should proceed to litigate the merits in state court. The action is hereby **REMANDED TO THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS**. The Clerk shall close the file.

**IT IS SO ORDERED.**

Dated: January 4, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE