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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

U.S. Bank Nat'l Ass'n,

NO. C 12-80019 MISC

Plaintiff,

**ORDER DECLINING TO ACCEPT  
NOTICE OF REMOVAL**

v.

Pedro Argueta, et al.,

Defendants.

Presently before the Court is a Notice of Removal from Juan Perez ("Perez"),<sup>1</sup> who seeks to remove the above-entitled unlawful detainer action from Contra Costa County Superior Court. Perez, who claims to be a tenant in the home at issue in that case, is not named as defendant in the action. He seeks to remove the case based on federal question jurisdiction, asserting that the foreclosure violates his rights under 42 U.S.C. § 1983.

On February 7, 2011, Perez first attempted to remove this action to federal court.<sup>2</sup> The Court granted Plaintiff's Motion to Remand on the ground that subject matter jurisdiction was lacking, insofar as no federal question appeared on the face of the Complaint.<sup>3</sup> On November 9, 2011, Perez again filed a notice of removal, and Plaintiff again moved to remand the case.<sup>4</sup> The Court granted

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<sup>1</sup> (Notice of Removal (Under Federal Question Jurisdiction) Provisions of Title 28 USC, Section 1331 [sic], Docket Item No. 1.)

<sup>2</sup> (See Docket Item No. 1 in Case No. 11-00571 CRB.)

<sup>3</sup> (See Docket Item No. 15 in Case No. 11-00571 CRB.)

<sup>4</sup> (See Docket Item Nos. 1, 6 in Case No. 11-05465 PJH.)

1 Plaintiff's Motion to Remand, citing the Court's previous Order and concluding that the Court still  
2 lacked subject jurisdiction over the Complaint.<sup>5</sup> In addition, Judge Hamilton ordered that the Clerk  
3 of Court not accept further notices of Removal from Perez without the approval of a district court  
4 judge. (Id. at 2.)

5       Upon review, the Court finds that Perez's third Notice of Removal is indistinguishable from  
6 those earlier submitted, and provides no reasons why the Court should reconsider its earlier rulings.  
7 Accordingly, the Court DECLINES to file Perez's Notice of Removal as it has previously been  
8 considered twice before. In light of this Order, the Clerk of Court shall refuse the January 25  
9 submission and return any fees tendered in relation to this submission.

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12 Dated: February 2, 2012

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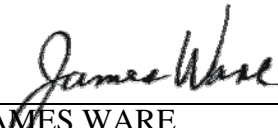
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JAMES WARE  
United States District Chief Judge

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<sup>5</sup> (See Docket Item No. 11 in Case No. 11-05465 PJH.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Juan Perez  
3 3924 Worthing Way  
4 Discovery Bay, CA 94505

5 **Dated: February 2, 2012**

**Richard W. Wieking, Clerk**

6 **By:           /s/ JW Chambers**  
7 **Susan Imbriani**  
8 **Courtroom Deputy**

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