

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

11 CALIFORNIA EQUITY  
12 MANAGEMENT GROUP, INC.,

13 Plaintiff,

14 v.

15 AURORA JIMENEZ and DOES 1-10,  
16

17 Defendants.  
18

Case No. 13-cv-1222 JSC

**ORDER TO SHOW CAUSE TO  
DEFENDANT**

19 Plaintiff brought this state law unlawful detainer action against Defendants Aurora  
20 Jimenez and Does 1-10 in the Superior Court of California for the County of Alameda.  
21 Defendant Jimenez, representing herself, subsequently purported to remove the action to this  
22 Court on the basis of federal question jurisdiction. Defendant alleges that “[t]he complaint  
23 presents federal questions.” (Dkt. No. 1 at ¶ 6.) In particular, she explains that “Defendants’  
24 demurrer, a pleading depend on the determination of Defendants’ rights and Plaintiff’s duties  
25 under federal law.” (*Id.* at ¶ 10.)

26 Defendant, as the party seeking removal to this federal court, bears the burden of  
27 establishing that subject matter jurisdiction exists, and courts strictly construe the removal  
28 statute against removal jurisdiction. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566-67 (9th Cir. 1992).

United States District Court  
Northern District of California

1 Further, when a case is removed to federal court, the court has an independent obligation to  
2 satisfy itself that it has federal subject matter jurisdiction. *Valdez v. Allstate Ins. Co.*, 372 F.3d  
3 1115, 1116 (9th Cir. 2004). The Court has reviewed the Notice of Removal and determined  
4 that federal question jurisdiction does not exist.

5 “Federal question jurisdiction exists only when a federal question exists on the face of  
6 a well-pleaded complaint.” *ING Bank, FSB v. Pineda*, No. 12-2418, 2012 WL 2077311, at \*1  
7 (N.D. Cal. June 8, 2012). The removed complaint makes only a state law claim for unlawful  
8 detainer. (Dkt. No. 1 at ¶¶ 7-10.) Therefore, this Court does not have federal question  
9 jurisdiction. *ING Bank, FSB*, 2012 WL 2077311, at \*1. That Defendant’s demurrer raised  
10 federal questions is irrelevant; a defendant cannot create federal subject matter jurisdiction by  
11 adding claims or raising defenses. *Holmes Group, Inc. v. Vornado Air Circulation*, 535 U.S.  
12 826, 830-31 (2002); *Federal Nat. Mortg. Ass’n v. Sue Lin Poh*, No. 12-2707, 2012 WL  
13 3727266, at \*2 (N.D. Cal. Aug. 28, 2012) (remanding removed unlawful detainer action).

14 Accordingly, Defendant is ordered to show cause why this case should not be  
15 remanded to the Alameda County Superior Court. In particular, if Defendant believes that this  
16 Court has subject matter jurisdiction, she shall file a response in writing by **April 15, 2013**  
17 that demonstrates why this Court has jurisdiction. Defendant is warned that failure to file a  
18 response may result in remand of this action to state court for lack of federal jurisdiction.

19  
20 **IT IS SO ORDERED.**

21  
22 Dated: March 25, 2013

23   
24 \_\_\_\_\_  
25 JACQUELINE SCOTT CORLEY  
26 UNITED STATES MAGISTRATE JUDGE  
27  
28