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United States District Court
For the Northern District of California

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

AMERICAN HOMES 4 RENT PROPERTIES
ONE, LLC,

Plaintiff,

v.

LYSSETT M. REYES, et al.,

Defendants.

No. C 13-2694 SI

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
REMANDING CASE TO THE SUPERIOR
COURT FOR THE COUNTY OF
CONTRA COSTA**

On June 12, 2013, *pro se* defendant Lysette M. Reyes removed this unlawful detainer action from state court. Magistrate Judge Spero ordered defendant to show cause why the case should not be remanded for lack of federal jurisdiction. Plaintiff also filed a motion to remand. On July 12, 2013, Judge Spero held a hearing on the order to show cause and plaintiff's motion to remand. Defendant did not appear nor has defendant filed any opposition to plaintiff's motion to remand.

On July 12, 2013, Judge Spero issued a Report and Recommendation re: Order to Show Cause and Motion to Remand. The Report and Recommendation finds that there is no jurisdiction because there are no federal claims alleged in the unlawful detainer complaint and there is no basis for diversity jurisdiction. It also finds that attorneys' fees and costs are not appropriate. The Report and Recommendation was served on defendant by mail. No objections to the Report and Recommendation were filed by the July 26, 2013 deadline. This case was reassigned to the undersigned judge.

The Court has reviewed the Notice of Removal and Judge Spero's Report and Recommendation, and concludes that removal was improper and that this Court lacks jurisdiction for the reasons stated

1 in the Report and Recommendation. The Court also finds that attorneys' fees and costs are not
2 appropriate for the reasons stated. Accordingly, the Court ADOPTS the Report and Recommendation
3 and REMANDS this case to the Superior Court for the County of Contra Costa.

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5 **IT IS SO ORDERED.**

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7 Dated: July 30, 2013



8 SUSAN ILLSTON
9 United States District Judge