

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

10 EAST BAY INVESTMENTS, LLC,

No. C 13-3017 SI

11 Plaintiff,

12 **ORDER ADOPTING REPORT AND**
13 **RECOMMENDATION AND**
14 **REMANDING CASE TO THE SUPERIOR**
15 **COURT FOR THE COUNTY OF**
16 **ALAMEDA**

17 v.

18 JIMMY SAGUN and LISA SAGUN,

19 Defendants.
20 _____/

21 On June 28, 2013, *pro se* defendants Jimmy Sagun and Lisa Sagun removed this unlawful
22 detainer action from state court, asserting federal question jurisdiction as the basis for removal. This
23 case was originally assigned to Magistrate Judge Spero, and on July 2, 2013, Judge Spero issued an
24 Order to Show Cause directing defendants to show why the case should not be remanded to state court.
25 Defendants did not respond to Order to Show Cause. On July 19, 2013, Judge Spero issued a Report
26 and Recommendation finding that removal was untimely, and that there is no jurisdiction because there
27 are no federal claims alleged in the unlawful detainer complaint and there is no basis for diversity
28 jurisdiction. No objections to the Report and Recommendation were filed by the August 2, 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
in the Report and Recommendation. Accordingly, the Court ADOPTS the Report and Recommendation

1 and REMANDS this case to the Superior Court for the County of Alameda.

2
3 **IT IS SO ORDERED.**

4
5 Dated: August 5, 2013



6 SUSAN ILLSTON
United States District Judge