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

WELLS FARGO BANK, N.A.,

Plaintiff,

No. C 15-01726 WHA

v.

ANTONIA ROBINSON,
GARY ROBINSON, AND DOES 1-10,

REMAND ORDER

Defendants.

Defendants Antonia and Gary Robinson removed this unlawful-detainer action from Alameda County Superior Court based on an alleged federal defense (Dkt. No. 1). The Robinsons were requested to show cause why this case should not be remanded (Dkt. No. 6). They did not respond. This case is hereby **REMANDED** to Alameda County Superior Court.

A court shall remand a case if “at any time before final judgment it appears that the district court lacks subject matter jurisdiction.” 28 U.S.C. 1447(c). “A defendant may not remove a case to federal court unless the plaintiff’s complaint establishes that the case ‘arises under’ federal law.” *Franchise Tax Board v. Construction Laborers Vacation Trust*, 463 U.S. 1, 10 (1983) (internal citations omitted). As stated in the order to show cause, an anticipated federal defense is not sufficient to confer jurisdiction. *Ibid*.

This action must be remanded because this court lacks subject-matter jurisdiction. The plaintiff’s complaint, the only pleading from which subject-matter jurisdiction could arise, contains no federal claims or bases for federal-question jurisdiction. The Robinsons’ alleged


1 federal defense based on the Protecting Tenants at Foreclosure Act is not sufficient to confer
2 jurisdiction. *See Saratoga Fund Holdings, LLC v. Walker*, No. C-14-04629-JST,
3 2014 WL 6969260, at *2 (N.D. Cal. Dec. 8, 2014) (Judge Jon Tigar) (citing *Franchise Tax*
4 *Board*, 463 U.S. at 10).

5 Similarly, there is no basis for diversity jurisdiction in this case. *See* 28 U.S.C. 1332.
6 The complaint only seeks repossession of the premises and costs of suit. The amount in
7 controversy is less than ten thousand dollars. More, the complaint neither alleges nor provides a
8 basis for finding that there is complete diversity of the parties.

9 The case is hereby **REMANDED** to Alameda County Superior Court for lack of subject-
10 matter jurisdiction. Plaintiff's motion to remand and motion to shorten time (Dkt. Nos. 4-5) are
11 **DENIED AS MOOT.**

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13 **IT IS SO ORDERED.**

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15 Dated: May 5, 2015.

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18 WILLIAM ALSUP
19 UNITED STATES DISTRICT JUDGE
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