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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EQUITY RESIDENTIAL MANAGEMENT,  
LLC,  
  
                    Plaintiff,  
  
                    v.  
  
LILLIE PARKER, et al.,  
  
                    Defendants.

Case No. [16-cv-02304-EMC](#)

**ORDER ADOPTING MAGISTRATE  
JUDGE’S REPORT AND  
RECOMMENDATION; REMANDING  
CASE TO STATE COURT**

Docket Nos. 3-5, 7

United States District Court  
For the Northern District of California

On March 1, 2016, Plaintiff Equity Residential Management, LLC filed the instant unlawful detainer action against Defendants Lillie Parker, Vernest Parker, and Jamaal Parker. Docket No. 1 (Not. of Removal) at 5-11. On April 27, 2016, Defendants removed the action to federal court, asserting federal question jurisdiction. Defendants also filed motions to proceed *in forma pauperis*. Docket Nos. 3-5.

On May 3, 2016, Judge James issued her report and recommendation, recommending that the Court remand the case to state court for lack of jurisdiction. Docket No. 7 (R&R). Specifically, Judge James found that there was no federal question jurisdiction because the complaint asserted only one state law claim for unlawful detainer. *Id.* at 2. Judge James also concluded that there was no diversity jurisdiction because the defendants appear to be citizens of the state in which the plaintiff originally brought the action, *i.e.*, California. *Id.* at 2-3; *see also* 28 U.S.C. § 1441(b)(2) (“A civil action otherwise removable solely on the basis of jurisdiction under section 1332(a) of this title [*i.e.*, diversity jurisdiction] may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought”). Furthermore, the amount in controversy was not met because the damages claim is for

1 under \$10,000, well under the jurisdictional requirement of \$75,000. *Id.* at 3; *see also* Cal. Civ.  
2 Proc. § 86(a)(4) (stating that an unlawful detainer is a limited civil action where the “whole  
3 amount of damages claimed” must be “twenty-five thousand (\$25,000) or less”).


4 The R&R was served on Defendants by mail that same day. *See* Docket No. 7-1. The  
5 Court has not since received any objection to the R&R from Defendants. *See* Fed. R. Civ. P.  
6 72(b)(2) (providing that “[w]ithin 14 days after being served with a copy of the recommended  
7 disposition, a party may serve and file specific written objections to the proposed findings and  
8 recommendation.”). Plaintiff has filed a statement of non-opposition to the R&R. Docket No. 10.

9 The Court has reviewed Judge James’s report and recommendation; finds it correct, well-  
10 reasoned, and thorough, and therefore adopts it in every respect. Hence, the Court now **ADOPTS**  
11 Judge James’s well-reasoned report and recommendation, and **REMANDS** the instant case to the  
12 Superior Court of Alameda County. Defendants’ motions to proceed *in forma pauperis* are  
13 **DENIED** as moot. The Clerk of the Court is instructed to close the case.

14 This order disposes of Docket Nos. 3-5 and 7.

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16 **IT IS SO ORDERED.**

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18 Dated: May 24, 2016

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22 EDWARD M. CHEN  
23 United States District Judge  
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