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3 UNITED STATES DISTRICT COURT  
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5 NORTHERN DISTRICT OF CALIFORNIA  
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7 JEFFREY STOLTE,

8 Plaintiff,

9 vs.

10 NATIONSTAR MORTGAGE, LLC, *ET AL.*,

11 Defendants.  
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Case No.: 13-CV-04538 YGR

**REMAND ORDER**

13 This case was removed from the Superior Court for the County of Contra Costa where it  
14 was pending as an action for unlawful non-judicial foreclosure. On October 1, 2013, Defendant  
15 Nationstar Mortgage filed a “Notice of Removal Pursuant to 28 U.S.C. §§ 1441 and 1331,”  
16 invoking this Court’s federal question jurisdiction on the basis that Plaintiff’s complaint included  
17 claims arising under the Truth in Lending Act, 12 U.S.C. §§ 1601 *et seq.* (Dkt. No. 1 at 2.)

18 On January 27, 2014, the parties in this action appeared at a Case Management  
19 Conference. At that conference, Plaintiff Jeffrey Stolte stated his intention to amend his  
20 complaint to remove all federal claims in order to eliminate federal jurisdiction and compel  
21 remand of this case back to state court. (*See* Dkt. No. 42.) Defendant agreed that Plaintiff’s  
22 removal of federal claims would necessitate remand.

23 On February 7, 2014, Plaintiff filed his First Amended Complaint. (Dkt. No. 44.) In the  
24 Amended Complaint, Plaintiff stated that “[t]here are no questions arising under federal law in  
25 this amended complaint.” (*Id.*) Upon review of the Amended Complaint, the Court agrees.  
26 Plaintiff’s Amended Complaint sets forth claims of unlawful foreclosure and unfair business  
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1 practices, and seeks to set aside the trustee's sale and the trustee's deed upon sale. (*Id.* at 7-10.)  
2 None of these claims is based on federal law. Thus, there is no federal question.<sup>1</sup>

3 In addition, although it appears from the face of the Amended Complaint that the amount  
4 in controversy exceeds the \$75,000 threshold requirement for diversity jurisdiction, neither  
5 Plaintiff nor Defendants have established that there is diversity of citizenship between the parties.

6 Accordingly, this action is hereby **REMANDED** to the Superior Court of California, County  
7 of Contra Costa. The Clerk of the Court is further ordered to forward certified copies of this  
8 Order and all docket entries to the Clerk of the Contra Cost County Superior Court.

9 **IT IS SO ORDERED.**

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11 Date: February 19, 2014

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

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28 <sup>1</sup> Moreover, a defendant's counterclaims and defenses asserting a federal question cannot give rise to jurisdiction under section 1331. *Vaden v. Discovery Bank*, 556 U.S. 49, 60 (2009).