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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PALM COURT APT.,  
Plaintiff,  
v.  
STEPHANIE GONZALES,  
Defendant.

Case No. 16-CV-02909-LHK

**ORDER REMANDING CASE TO  
SANTA CLARA COUNTY SUPERIOR  
COURT**

Re: Dkt. No. 10

On May 31, 2016, Defendant Stephanie Gonzales (“Defendant”) filed a notice of removal in an attempt to remove this unlawful detainer case from Santa Clara County Superior Court to federal court. ECF No. 1. This action was originally assigned to U.S. Magistrate Judge Nathanael Cousins.

On August 1, 2016, Judge Cousins issued an Order to Show Cause as to why removal was proper. ECF No. 9. As Judge Cousins observed, Defendant’s notice of removal did not provide a sufficient “basis for removal,” as it did not demonstrate that there was either diversity or federal question jurisdiction in the instant case. *Id.* at 2; *see also Nguyen v. Caldo Oil Co.*, 2015 WL 5461666, \*3 (N.D. Cal. Sept. 16, 2015) (“In order for federal subject matter jurisdiction to exist, a case must either involve diversity of citizenship between the parties or involve a claim arising

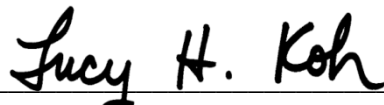
1 under federal law.”). Judge Cousins gave Defendant until August 15, 2016 to respond to the  
2 Order to Show Cause.

3 Defendant did not file a response to the Order to Show Cause, and Judge Cousins  
4 accordingly issued a Report and Recommendation on August 18, 2016 which recommended that  
5 the instant action be remanded to state court. ECF No. 10. No objections have been filed to the  
6 Report and Recommendation, and the time to file objections has now passed. *See* Fed. R. Civ. P.  
7 72(b)(2) (providing parties 14 days to object to a magistrate judge’s report and recommendations).

8 Having reviewed Judge Cousins’s Report and Recommendation, as well as the record in  
9 this case, the Court finds Judge Cousins’s Report and Recommendation well-founded in fact and  
10 in law. The Court therefore **ADOPTS** the Report and Recommendation in its entirety and  
11 **REMANDS** the instant action to Santa Clara County Superior Court. The Clerk shall transfer the  
12 case file to Santa Clara County Superior Court. The Clerk shall also serve a copy of this order on  
13 Defendant.

14 **IT IS SO ORDERED.**

15 Dated: September 2, 2016.



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LUCY H. KOH  
United States District Judge

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