

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BREKENRIDGE PROPERTY FUND  
2016, LLC,  
  
Plaintiff,  
  
v.  
  
GREGORY BONDS, et al.,  
  
Defendants.

Case No. 17-cv-06633 NC

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

Re: Dkt. Nos. 1, 6

Defendants Gregory and Wanda Bonds removed this unlawful detainer action from Santa Clara County Superior Court. Dkt. No. 1. On December 7, 2017, the Court issued an Order to Show Cause to the Bonds, requiring the Bonds to file a response addressing why this case should not be remanded to state court for lack of subject matter jurisdiction. Dkt. No. 6. At that time, the Court also granted the Bonds’ application to proceed in forma pauperis. *Id.* The Bonds responded to the Court’s order on December 29, 2017. Dkt. No. 11. The Court finds that response insufficient to retain this case in federal court.<sup>1</sup>

The Bonds do not follow up on their civil rights removal claim under 28 U.S.C. § 1443(1); rather, the Bonds’ response to the Court’s Order to Show Cause is an attempt to convert this unlawful detainer case into a wrongful foreclosure case. The Bonds argue that the Court has jurisdiction because their home was wrongfully foreclosed upon. But this is

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<sup>1</sup> All parties consented to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c). Dkt. Nos. 7, 10, 13.  
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not a wrongful foreclosure case, and the Court will not entertain such arguments here.

Thus, because the Court finds that it lacks subject matter jurisdiction, the Court REMANDS this unlawful detainer case to Santa Clara County Superior Court. In addition, the Court DENIES AS MOOT Brekenridge’s motion to remand this case. Dkt. No. 9. The Court does not award costs or expenses to Brekenridge as a result of this improper removal. 28 U.S.C. § 1447(c). However, the Court cautions the Bonds that if they improperly re-remove this case to federal court they may be subject to paying Brekenridge’s costs and expenses incurred as a result of the removal. *Id.*

**IT IS SO ORDERED.**

Dated: January 10, 2018

  
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NATHANAEL M. COUSINS  
United States Magistrate Judge