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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 DEUTSCHE BANK NATIONAL TRUST
12 COMPANY, AS TRUSTEE FOR
13 SOUNDVIEW HOME LOAN TRUST 2006-
14 3,

Plaintiff,

14 vs.

15 TUAN NGUYEN, et al.,

16 Defendants.

CASE NO. 10cv0812 DMS (AJB)

**ORDER REMANDING CASE TO
STATE COURT**

17 On April 16, 2010, Defendant Tuan Nguyen removed this unlawful detainer case from San
18 Diego Superior Court. After reviewing the Notice of Removal, the Court issued an Order to Show
19 Cause to Defendant as to the Court's subject matter jurisdiction. Defendant filed a response to that
20 Order, and Plaintiff has filed a response.

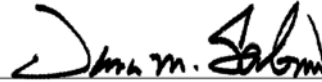
21 In his response to the Order, Defendant argues the Court has subject matter jurisdiction
22 pursuant to 28 U.S.C. § 1443. The Court notes Defendant did not invoke this statute in his Notice of
23 Removal, but more importantly, Defendant has not shown that removal under this statute is
24 appropriate. Furthermore, the Court notes that Defendant's removal was untimely. Pursuant to 28
25 U.S.C. § 1446(b), a notice of removal must be filed within thirty days of the defendant's receipt of the
26 complaint. Here, Defendant states he received service of the Complaint on February 8, 2010, but he
27 did not file the Notice of Removal until April 16, 2010, sixty-eight days later.

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1 For each of these reasons, the Court finds it lacks subject matter jurisdiction over this case.
2 Accordingly, the case is remanded to state court.

3 **IT IS SO ORDERED.**

4 DATED: June 15, 2010

A handwritten signature in black ink, appearing to read "Dana M. Sabraw", is written over a horizontal line.

HON. DANA M. SABRAW
United States District Judge