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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

FEDERAL NATIONAL MORTGAGE ASSOCIATION, Plaintiff, vs. ROBERT G. HAHN and TERESA M. FISKI, Defendants.

CASE NO. 13CV611
**ORDER SUA SPONTE
REMANDING CASE**

This is an unlawful detainer action brought by Federal National Mortgage Association against Robert G. Hahn and Teresa M. Fiski. Federal National Mortgage filed this case on January 7, 2013, in California Superior Court, and Mr. Hahn removed it to this Court on March 15, 2013.

Mr. Hahn based removal on federal question jurisdiction pursuant to 28 U.S.C. § 1441, stating he raised a defense in his demurrer under the Protecting Tenants at Foreclosure Act, 12 U.S.C. § 5220. However, federal question jurisdiction exists only when a federal question appears on the face of the complaint. *See Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). Merely raising a federal defense in an answer or demurrer will not suffice. *See Holmes Group, Inc. v. Vornado Air Circulation Sys.*, 535 U.S. 826, 831 (2002).

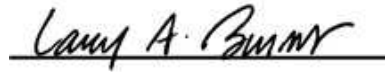
Here, the complaint states only a state law claim for unlawful detainer. Therefore, the Court *sua sponte* **REMANDS** this case to the Superior Court of California, County of

1 San Diego. Because the case is remanded, this court will not reach Mr. Hahn's motion to
2 proceed *in forma pauperis*.

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IT IS SO ORDERED.

DATED: March 19, 2013



HONORABLE LARRY ALAN BURNS
United States District Judge