

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

FEDERAL NATIONAL  
MORTGAGE ASSOCIATION,

Plaintiff,

vs.

YUMI HAHN,

Defendant.

CASE NO. 13CV1111 JLS (NLS)

**ORDER (1) VACATING HEARING;  
(2) GRANTING MOTION TO  
REMAND; AND, (3) DENYING AS  
MOOT MOTION TO PROCEED IN  
FORMA PAUPERIS**

(ECF Nos. 4, 2)

Presently before the Court is Plaintiff Federal National Mortgage Association's ("Plaintiff") Motion to Remand. (ECF No. 4). The hearing on the motion that is currently set for July 25, 2013 is **HEREBY VACATED** and the matter is taken under submission without oral argument pursuant to Civil Local Rule 7.1(d)(1).

Defendant Yumi Hahn ("Defendant") failed to file an opposition to Plaintiff's motion within the time specified by Civil Local Rule 7.1(e)(2). Accordingly, the Court **GRANTS** Plaintiff's motion. *See* CivLR 7.1(f)(3)(c).

Moreover, the Court notes that Plaintiff's motion to remand must be granted on its merits because this Court lacks subject matter jurisdiction over a state law action for unlawful detainer. *See Franchise Tax Bd. of Cal. v. Construction Laborers Vacation Trust For S. Cal.*, 463 U.S. 1, 10-11 (1983). Defendant's

1 assertion of counterclaims or defenses under the Protecting Tenants in Foreclosure  
2 Act, 12 U.S.C. § 5201 *et seq.*, or other federal statutes, does not create federal  
3 question jurisdiction. *See id.* Finally, diversity jurisdiction is also absent in this  
4 matter because the amount in controversy does not exceed \$75,000. *See* 28 U.S.C. §  
5 1332.

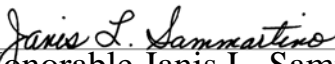
6 For these reasons, the Court **REMANDS** this action to the Superior Court for  
7 the County of San Diego. Defendant's pending Motion to Proceed *In Forma*  
8 *Pauperis*, (ECF No. 2), is **DENIED AS MOOT**.

9 **IT IS SO ORDERED.**

10

11 DATED: July 19, 2013

12

  
Honorable Janis L. Sammartino  
United States District Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28