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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 SUWANNEE CHINNAPONG,

12 Plaintiff,

13 v.

14 SALLIE HENRY,

15 Defendant.

Case No.: 17cv1551-LAB (KSC)

**ORDER DENYING MOTION FOR  
LEAVE TO PROCEED IN FORMA  
PAUPERIS; AND**

**ORDER OF REMAND**

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17 Defendant Sallie Henry removed this unlawful detainer case from the Superior  
18 Court of California for the County of San Diego, identifying federal question jurisdiction  
19 as the basis for removal. Henry also filed a motion to proceed *in forma pauperis* (“IFP”).

20 Henry’s IFP motion is incomplete. Among other things, it says Henry receives  
21 social security disability payments, but fails to say how much those are. The IFP motion  
22 is **DENIED**.

23 The Court is required to remand any removed case over which it lacks subject  
24 matter jurisdiction. 28 U.S.C. § 1447(c); *Lenau v. Bank of America, N.A.*, 131 F. Supp.  
25 3d 1003, 1004 (E.D. Cal. 2015). Here, it is clear jurisdiction is lacking.

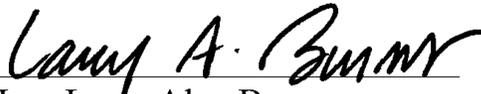
26 The claims in the complaint arise under state, not federal law. Henry, apparently  
27 recognizing this, argues that defenses raised in the answer present federal questions. But  
28 federal defenses do not give rise to federal question jurisdiction. *Phillips Petroleum Co.*

1 *v. Texaco, Inc.*, 415 U.S. 125, 127–28 (1974) (per curiam). In addition, the parties are  
2 not diverse and the amount in controversy for diversity jurisdiction is not met.

3 This action is therefore **REMANDED** to the Superior Court of California for the  
4 County of San Diego.

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6 **IT IS SO ORDERED.**

7 Dated: August 3, 2017

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9 Hon. Larry Alan Burns  
United States District Judge

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