

1 at issue in the case.” *Franchise Tax Bd. Of Cal. V. Construction Laborers Vacation Trust for*
2 *Southern Cal.*, 463 U.S. 1, 14 (1983).

3 Here, Defendant seeks removal on the basis of a number of federal issues she seeks to raise
4 as defenses to an action brought against her in a Nevada court for unlawful detainer. The complaint
5 makes no reference to any federal claim. As noted above, federal defenses cannot support removal,
6 and Defendant does not claim removal on any other basis. The Court will therefore recommend the
7 case be remanded to state court.

8 IT IS THEREFORE ORDERED that Defendant’s application for leave to proceed *in forma*
9 *pauperis* (ECF No. 1) is granted. Defendant is permitted to maintain this action to conclusion
10 without the necessity of prepayment of any additional fees or costs or the giving of a security for fees
11 or costs. This order does not extend to the issuance of subpoenas at government expense.

12 IT IS FURTHER ORDERED that the Clerk of Court must file Defendant’s notice of removal
13 (ECF No. 1-1).

14 IT FURTHER RECOMMENDED that this case should be remanded to state court.

15 DATED: July 27, 2017

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C.W. Hoffman, Jr.
United States Magistrate Judge

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20 **NOTICE**

21 This report and recommendation is submitted to the United States district judge assigned to
22 this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may
23 file a written objection supported by points and authorities within fourteen days of being served with
24 this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive
25 the right to appeal the district court’s order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).