

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 PMT NPL FINANCING 2015-1,

CASE NO. C18-0212-JCC

10 Plaintiff,

ORDER

11 v.

12 THOMAS C. LEE, *et al.*,

13 Defendants.

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15 This matter comes before the Court *sua sponte*. Defendant removed this unlawful  
16 detainer action from King County Superior Court on February 9, 2018. (Dkt. No. 4.) Upon  
17 reviewing the complaint and notice of removal, the Court REMANDS the case for the reasons  
18 set forth herein.

19 This is the third time Defendant has removed this action to federal court. *See* Case No.  
20 C17-0535-RSM, Dkt. No. 1 (W.D. Wa. April 6, 2017); Case No. C17-1376-RSL, Dkt. No. 1  
21 (W.D. Wa. September 13, 2017). In both prior instances, the Court found no basis for the  
22 exercise of federal jurisdiction and remanded the case. Case No. C17-1376-RSL, Dkt. No. 13 at  
23 5; Case No. C17-0535-RSM, Dkt. No. 14. Defendant's latest notice of removal states identical  
24 bases for federal jurisdiction: his Fourteenth Amendment defense, 28 U.S.C. § 1443, and  
25 diversity of citizenship. (Dkt. No. 4 at 2–3, 4.) This Court concurs with orders issued by the  
26 Honorable Ricardo S. Martinez and the Honorable Robert S. Lasnik. Defendant cannot create a

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1 federal question by asserting a federal defense, he does not qualify for removal under § 1443,  
2 and he fails to establish the \$75,000 threshold for diversity jurisdiction. Case No. C17-0535-  
3 RSM, Dkt. No. 14 at 2; Case No. C17-1376-RSL, Dkt. No. 13 at 2, 3. This Court notes, as Judge  
4 Lasnik did, that no new case law supporting Defendant's bases for removal has arisen since his  
5 case was last removed and remanded. *See* Case No. C17-1376-RSL, Dkt. No. 13 at 3.

6 For the foregoing reasons this matter is REMANDED to the King County Superior Court.  
7 The Clerk of Court is DIRECTED to immediately transfer this case to state court, which shall  
8 have immediate and full jurisdiction over this matter.

9 DATED this 20th day of February 2018.

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13 John C. Coughenour  
14 UNITED STATES DISTRICT JUDGE