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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 WHIDBEY ISLAND BANK, a banking  
9 corporation,

10 Plaintiff,

11 v.

12 DUNES MOTEL, INC., a Washington  
13 corporation,

14 Defendant.

CASE NO. C12-5747 BHS

ORDER REMANDING CASE

15 This matter comes before the Court on Defendants' notice of removal (Dkt. 1).

16 On August 2, 2012, Plaintiff filed a petition for appointment of custodial receiver  
17 in the Kitsap County Superior Court for the State of Washington. Dkt. 1–5. Plaintiff  
18 alleges that Defendant is in default of a Deed of Trust and requests that the state court  
19 appoint a receiver to take possession of Defendant pursuant to RCW 7.60.015. *Id.*

20 If at any time before final judgment it appears that the district court lacks subject  
21 matter jurisdiction, the case shall be remanded. 28 U.S.C. § 1447(c).  
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1 The Court does not have jurisdiction over this receivership action. There is no  
2 federal subject matter jurisdiction because the action is brought pursuant to a state statute.  
3 There is no diversity jurisdiction because both parties are citizens of Washington.  
4 Therefore, the Court **REMANDS** this action to state court.

5 **IT IS SO ORDERED.**

6 Dated this 24th day of August, 2012.

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9 BENJAMIN H. SETTLE  
United States District Judge

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