

HONORABLE RONALD B. LEIGHTON

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

v.

LUIS EWING,

Defendant.

CASE NO. C13-5857 RBL

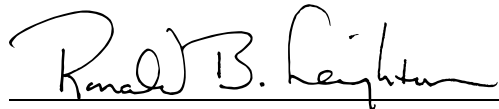
ORDER TO REMAND

Federal National Mortgage Association (“Fannie Mae”) commenced an action against Luis Ewing for unlawful detainer in state court on April 11, 2013, pursuant to Wash. R. Civ. P. 3(a) by serving Ewing with a summons and a copy of the Complaint. Fannie May filed the summons and Complaint with the state court on May 1, 2013. After filing a number of motions and pleadings in state court, Ewing filed a notice of removal and Motion to Proceed in forma pauperis in this Court on October 7, 2013.

The removal statute is strictly construed against removal jurisdiction. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). The Court must reject removal jurisdiction is there is any doubt as to the right of removal. *Id.* The strong presumption against removal places the burden on the party seeking removal to establish that removal is proper. *Id.*

1 The removal statute gives a party 30 days after receiving the initial pleading or summons
2 to remove the action to federal court. 28 U.S.C. § 1446(b). Ewing was first served with the
3 Complaint and summons on April 11, 2013. He filed a petition for removal with the state court
4 on September 30, 2013, and he filed his notice of removal with this Court on October 7, 2013.
5 Both Ewing's state court petition and notice of removal in this Court were filed well after the 30-
6 day deadline. Strictly construing the removal statute, the Court concludes that removal is
7 improper. It is therefore **ORDERED** that this matter is **REMANDED** to the Clark County
8 Superior Court. The Clerk is directed to send uncertified copies of this Order to the Clerk of the
9 Pierce County Superior Court, and to all counsel of record. Ewing's motion to proceed in forma
10 pauperis is **DENIED** as moot.

11 Dated this 10th day of October, 2013.

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13 RONALD B. LEIGHTON
14 UNITED STATES DISTRICT JUDGE