

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Phillip Campbell v. Milous James Ivory

Campbell · No. 25-cv-10569-JSC · Decided December 22, 2025

SUMMARY

The United States District Court for the Northern District of California ordered the defendant to show cause why a removed unlawful detainer action should not be remanded to state court for lack of subject matter jurisdiction. The court explained that the complaint asserted only a state-law unlawful detainer claim, that a federal defense does not establish federal-question jurisdiction, and that diversity jurisdiction was unavailable because the parties were California citizens.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 22, 2025
DOCKET	25-cv-10569-JSC
DISPOSITION	other
PROCEDURAL POSTURE	Defendant removed a California unlawful detainer action to federal court and invoked federal-question jurisdiction. The district court issued an order to show cause why the action should not be remanded for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing that removal is proper, and removal statutes are strictly construed against removal jurisdiction. The federal court must independently determine whether subject matter jurisdiction exists.
PRECEDENTIAL VALUE	unknown
PARTIES	Milous James Ivory v. Phillip Campbell

TOPICS

- subject matter jurisdiction
- civil procedure
- pleadings
- real estate

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Removal and remand

Real property

QUESTIONS PRESENTED

1. Whether a state-law unlawful detainer action may be removed to federal court based on a federal defense or the defendant's anticipated federal issues.
2. Whether federal-question jurisdiction exists when the plaintiff's well-pleaded complaint asserts only a state-law claim.
3. Whether diversity jurisdiction exists when both parties are California citizens.
4. Whether the defendant should be required to show cause why the action should not be remanded for lack of subject matter jurisdiction.

HOLDINGS

1. A case arises under federal law for purposes of federal-question jurisdiction only when the plaintiff's well-pleaded complaint presents a federal cause of action; an actual or anticipated federal defense does not confer federal jurisdiction.
2. Diversity jurisdiction is unavailable where the parties are citizens of the same state.
3. The defendant seeking removal bears the burden of establishing that removal is proper, and a removed case must be remanded if the district court lacks subject matter jurisdiction.

KEY QUOTATIONS

“A claim “arises under” federal law only if a “well-pleaded complaint” alleges a cause of action based on federal law; “an actual or anticipated defense” does not confer federal jurisdiction.” (1)

“The defendant seeking removal “bears the burden of establishing that removal is proper” and the “removal statute is strictly construed against removal jurisdiction.”” (1)

“federal jurisdiction exists only when a federal question is presented on the face of the plaintiffs properly pleaded complaint.” (2)

FACTUAL BACKGROUND

The removed complaint asserted only a state-law unlawful detainer claim. Defendant argued that the action raised federal issues because the right to hold property allegedly falls under federal oversight and invoked the Fifth and Fourteenth Amendments. The complaint indicated that both parties were California citizens, and the court therefore found no apparent basis for either federal-question or diversity jurisdiction.

PROCEDURAL HISTORY

Phillip Campbell filed an unlawful detainer action in San Francisco County Superior Court. Milous James Ivory, proceeding without counsel, removed the action to the Northern District of California under 28 U.S.C. §§ 1441

and 1446. The district court ordered Ivory to show cause by January 12, 2026, why the action should not be remanded; no final remand order was entered in this opinion.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendant must respond in writing by January 12, 2026, showing why the action should not be remanded to the San Francisco County Superior Court. If defendant does not respond or fails to establish federal subject matter jurisdiction, the court will remand the action.

CASES CITED

- Vaden v. Discover Bank, 556 U.S. 49, 60 (2009)
- Provincial Government of Marinduque v. Placer Dome, Inc., 582 F.3d 1083, 1087 (9th Cir. 2009)
- Valdez v. Allstate Insurance Co., 372 F.3d 1115, 1116 (9th Cir. 2004)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 392-93 (1987)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
PHILLIP CAMPBELL, Case No. 25-cv-10569-JSC 8 Plaintiff, ORDER TO DEFENDANT TO
SHOW 9 v. CAUSE RE: SUBJECT MATTER JURISDICTION 10 MILOUS JAMES IVORY,
Defendant. 11 12 13 Defendant Milous James Ivory, proceeding without attorney representation,
removed this 14 unlawful detainer action to federal court.

(Dkt. No. 1.) Mr. Ivory invokes federal subject matter 15 jurisdiction under 28 U.S.C. §§ 1441,
1446. The Court ORDERS Mr. Ivory to show cause why 16 this case should not be remanded to
the San Francisco County Superior Court for lack of subject 17 matter jurisdiction. 18 A defendant
may remove an action from state court to federal court so long as the federal 19 court has original
jurisdiction.

See 28 U.S.C. § 1441(a). Federal subject matter jurisdiction under 20 28 U.S.C. § 1332(a)(1)
requires complete diversity of citizenship and an amount in controversy in 21 excess of \$75,000.
Federal subject matter jurisdiction under 28 U.S.C. § 1331 requires a civil 22 action to arise under
the constitution, laws, or treaties of the United States. A claim “arises under” 23 federal law only if
a “well-pleaded complaint” alleges a cause of action based on federal law; “an 24 actual or
anticipated defense” does not confer federal jurisdiction.

See Vaden v. Discover Bank, 25 556 U.S. 49, 60 (2009). The defendant seeking removal “bears the
burden of establishing that 26 removal is proper” and the “removal statute is strictly construed

against removal jurisdiction.” 27 *Provincial Gov’t of Marinduque v. Placer Dome, Inc.*, 582 F.3d 1083, 1087 (9th Cir. 2009). 1 itself that it has federal subject matter jurisdiction.

See *Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 2 1116 (9th Cir. 2004). A case removed to federal court must be remanded back to state court “[i]f 3 at any time before final judgment it appears that the district court lacks subject matter 4 |} jurisdiction.” 28 U.S.C. § 1447(c). 5 Here, Mr. Ivory bases removal on federal question jurisdiction.

However, the removed 6 || complaint makes only a state-law claim for unlawful detainer. Mr. Ivory’s assertion the complaint 7 “raises federal issues” because “the right to hold property is an area of federal oversight” under the 8 || Fifth and Fourteenth Amendments is unavailing because “federal jurisdiction exists only when a 9 || federal question is presented on the face of the plaintiffs properly pleaded complaint.” (Dkt.

No. 10 1 at 2.) *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987); see also *id.* at 393 (“[I]t is now 11 settled law that a case may not be removed to federal court on the basis of a federal defense[.]”). 12 || Furthermore, because the complaint indicates Mr. Ivory and Mr. Campbell are California citizens, 5 13 there is no diversity jurisdiction under 28 U.S.C. § 1332(a).

(Dkt. No. 1 at 7.) 14 So, the Court ORDERS Mr. Ivory to SHOW CAUSE as to why this action should not be 15 remanded to state court. Mr. Ivory shall respond to this Order in writing by January 12, 2026. If 16 || Mr. Ivory fails to respond or his response fails to establish a basis for federal subject matter 3 17 || jurisdiction, the Court will remand the action to the San Francisco County Superior Court.

IT IS SO ORDERED. 19 Dated: December 22, 2025 20 21 ne AC@JELINE SCOTT CORLE 22 United States District Judge 23 24 25 26 27 28