

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

OPINION

Campbell

PER CURIAM.

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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