

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Vlad Kroutik v. Natalie Rajic

Kroutik · No. 3:25-cv-02794 JLS (AHG) · Decided October 30, 2025

SUMMARY

The United States District Court for the Southern District of California denied the defendant’s motion to seal the action in its entirety, concluding that she had not shown compelling reasons to overcome the presumption of public access. The court held that the unlawful detainer action presented no basis for federal-question, civil-rights, or removal jurisdiction, remanded the case to San Diego Superior Court, and denied the defendant’s motion to dismiss and in forma pauperis application as moot.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 VLAD KROUTIK, Landlord, Case No.: 25-CV-2794 JLS (AHG) 12
Plaintiff, ORDER: 13 v. (1) DENYING DEFENDANT’S 14 NATALIE RAJIC, Tenant, MOTION
TO SEAL IN ENTIRETY; 15 Defendant.

(2) SUA SPONTE REMANDING TO 16 THE SUPERIOR COURT OF 17 CALIFORNIA,
COUNTY OF SAN DIEGO; 18 19 (3) DENYING AS MOOT DEFENDANT’S MOTION TO 20
DISMISS; AND 21 (4) DENYING AS MOOT 22 DEFENDANT’S APPLICATION TO 23
PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR 24 COSTS. 25 26
Presently before the Court is Defendant Natalie Rajic’s Motion Seal to in Entirety 27 (“Mot.”),
Notice of Removal (“Not.”), Application to Proceed in District Court Without 28 Prepaying Fees
or Costs (“IFP App.”), and Defendant’s Motion to Dismiss Unlawful 1 Detainer Complaint.

Having carefully considered Defendant’s arguments, the Complaint, 2 and the relevant law, the
Court DENIES WITH PREJUDICE Defendant’s Motion to Seal 3 in Entirety. Further, the Court
finds that there is no basis for subject matter jurisdiction 4 and sua sponte REMANDS this case to
the Superior Court of California, County of San 5 Diego, for further proceedings.

The Court also DENIES AS MOOT Defendant’s 6 Application to Proceed in District Court
without Prepaying Fees or Costs and Defendant’s 7 Motion to Dismiss Unlawful Detainer
Complaint. 8 BACKGROUND 9 On October 2, 2025, Plaintiff Vlad Kroutik filed an Unlawful
Detainer action in the 10 Superior Court of California, County of San Diego, against Defendant
Natalie Rajic.

11 Plaintiff filed the case as a Limited Civil Case, seeking \$320.39 for unpaid rent and \$172.26 12 per day in damages beginning September 24, 2025. Compl. Ex. A-2. On October 20, 2025, 13 Defendant removed the current action to the U.S. District Court for the Southern District 14 of California alleging the grounds for jurisdiction under 28 U.S.C. §§ 1331, 1343, and 15 1443.

Not. at 1. 16 I. Motion to Seal in Entirety 17 Defendant moves the Court to seal the action in its entirety. See Mot. This includes 18 the Superior Court Complaint, Notice of Removal, Motion to Dismiss, and IFP 19 Application. 20 LEGAL STANDARD 21 “[T]he courts of this country recognize a general right to inspect and copy public 22 records and documents, including judicial records and documents.” *Nixon v. Warner 23 Commc’ns, Inc.*, 435 U.S. 589, 597 (1978). “Unless a particular court record is one 24 ‘traditionally kept secret,’ a ‘strong presumption in favor of access’ is the starting point.” 25 *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir.

2006) (citing *Foltz v. 26 27 1* Because the Motion to Seal was filed concurrently with the Complaint, it has not been Docketed 28 through CM/ECF. There are no ECF Numbers until the Motion is ruled on. Therefore, the page 1 *State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). “The presumption 2 of access is ‘based on the need for federal courts, although independent—indeed, 3 particularly because they are independent—to have a measure of accountability and for the 4 public to have confidence in the administration of justice.’” *Ctr. for Auto Safety v. Chrysler 5 Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir.

2016) (quoting *United States v. Amodeo*, 71 F.3d 6 1044, 1048 (2d Cir. 1995)). 7 A party seeking to seal a judicial record bears the burden of overcoming the strong 8 presumption of access. *Foltz*, 331 F.3d at 1130. The showing required to meet this burden 9 depends upon whether the documents to be sealed relate to a motion that is “more than 10 tangentially related to the merits of the case.” *Ctr. for Auto Safety*, 809 F.3d at 1102.

When 11 the underlying motion is more than tangentially related to the merits, the “compelling 12 reasons” standard applies. *Id.* at 1096–98. When the underlying motion does not surpass 13 the tangential relevance threshold, the “good cause” standard applies. *Id.* “An action’s 14 complaint, and its associated exhibits, are more than tangentially related to the merits of 15 the case.” *JBS Packerland, Inc. v. Phillips Cattle, Co.*, No. 24-CV-1299-BAS-MSB, 2024 16 WL 4280960, at *1 (S.D.

Cal. Sept. 24, 2024) (citing *Ctr. for Auto Safety*, 809 F.3d at 17 1098). 18 Under the compelling reasons standard, “the party seeking protection bears the 19 burden of showing specific prejudice or harm will result if no [protection] is granted.” 20 *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002). “In general, 21 ‘compelling reasons’ sufficient to outweigh the public’s interest in disclosure and justify 22 sealing court records exist when such ‘court files might have become a vehicle for improper 23 purposes,’ such as the use of records to gratify private spite,

promote public scandal, 24 circulate libelous statements, or release trade secrets.” Kamakana, 447 F.3d at 1179 25 (quoting Nixon, 435 U.S. at 598).

However, “[t]he mere fact that the production of records 26 may lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will 27 not, without more, compel the court to seal its records.” Id. (citing Foltz, 331 F.3d at 1136). 28 The decision to seal documents is “one best left to the sound discretion of the trial court” 1 upon consideration of “the relevant facts and circumstances of the particular case.” Nixon, 2 435 U.S. at 599.

3 ANALYSIS 4 Here, Defendant seeks to seal the action in its entirety, including the Complaint, 5 Notice of Removal, and Motion to Dismiss. See Mot. This is more than tangentially related 6 to the merits of the case because it is the entire case. See JBS Packerland, 2024 WL 7 4280960, at *1.

Therefore, Defendant must satisfy the “compelling reasons” standard. See 8 Ctr. for Auto Safety, 809 F.3d at 1096–98. In her Motion to Seal, Defendant states that 9 sealing the action is proper under California Civil Procedure Code § 1161.2, which restricts 10 public access to civil case records in unlawful detainer proceedings for sixty (60) days after 11 filing.

Mot. at 1; Cal. Civ. Proc. Code § 1162.1. The Federal Rules of Civil Procedure 12 apply to actions in federal court. Hanna v. Plumer, 380 U.S. 460, 473–74 (1967). 13 Therefore, the Court does not follow California Civil Procedure Code § 1162.1, and 14 Defendant must satisfy the federal standard. 15 Defendant has not met the compelling reasons standard to seal this entire case.

16 Defendant only cites to § 1162.1 and argues that this action should be sealed because it 17 could “harm [her] ability to obtain housing.” Mot. at 1. While the Court is sympathetic to 18 Defendant’s situation, the request to seal the entire action is overbroad and “infringe[s] too 19 extensively on the public right to access court records.” Rock v. McHugh, 819 F. Supp. 2d.

20 456, 475 (D. Md. 2011). Defendant has not raised compelling reasons to seal this entire 21 action, especially noting that “the complaint ‘is at the heart of the interest in ensuring the 22 public’s understanding of the judicial process.’” Harrel v. Cal. Forensic Med. Grp., Inc., 23 No. 15-CV-579 KJN P, 2015 WL 1405567, at *1 (E.D. Cal. Mar. 26, 2015) (quoting 24 Kamakana, 447 F.3d at 1179); see also Ellis-Sanders v. Guardian Piazza D’Oro LLC, No. 25 25-CV-1379-JO-DDL, 2025 WL 1637043, at *1 (S.D.

Cal. June 9, 2025) (denying sealing 26 the entire action, including court orders and filings from a San Diego Superior Court 27 unlawful detainer action). Therefore, Defendant’s Motion to Seal in Entirety is DENIED. 28 / / / 1 II. Jurisdiction 2 LEGAL STANDARD 3 “Federal district courts are courts of limited jurisdiction that ‘may not grant relief 4 absent a constitutional or valid statutory grant of jurisdiction’ and are ‘presumed to lack 5 jurisdiction in a particular case unless the contrary affirmatively appears.’” Cooper v. 6 Tokyo Elec.

Power Co., 990 F. Supp. 2d 1035, 1038 (S.D. Cal. 2013) (quoting *A-Z Int'l v. 7 Phillips*, 323 F.3d 1141, 1145 (9th Cir. 2003)); see also *Hunter v. Philip Morris USA*, 582 F.3d 1039, 1042 (9th Cir. 2009) (“The ‘strong presumption against removal jurisdiction 9 means that the defendant always has the burden of establishing that removal is proper 10....’”) (quoting *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir.

1992)). A defendant may 11 remove an action from state court to a district court if the district court has original 12 jurisdiction over the matter, meaning, as plead, the action could have been originally filed 13 in federal court. See 28 U.S.C. § 1441(a). “The removal statute is strictly construed, and 14 any doubt about the right of removal requires resolution in favor of remand.” *Moore- 15 Thomas v. Alaska Airlines, Inc.*, 553 F.3d 1241, 1244 (9th Cir.

2009) (citing *Gaus*, 980 F.2d at 566). When a case is removed to federal court, the court has an independent 17 obligation to consider that it has subject matter jurisdiction. *Valdez v. Allstate Ins. Co.*, 18 F.3d 1115, 1116 (9th Cir. 2004). “If at any time before final judgment it appears that 19 the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. 20 § 1447(c).

21 ANALYSIS 22 Defendant first argues that this Court has jurisdiction under federal question 23 jurisdiction—28 U.S.C. § 1331. Not. at 2. Section 1331 provides “[t]he district courts 24 shall have original jurisdiction of all civil actions arising under the Constitution, laws, or 25 treaties of the United States.” 28 U.S.C. § 1331.

Here, on the face of the Complaint, there 26 is no federal question presented because the only cause of action is a state law unlawful 27 detainer action. See, e.g., Cal. Civ. Proc. Code § 1161; *Muhammad v. N. Richmond Senior 28 Hous., Inc.*, No. 3:15-cv-00629-WHO, 2015 WL 1154209, at *2 (N.D. Cal. Mar. 13, 2015) 1 (“California federal courts have repeatedly held that unlawful detainer cases brought under 2 California’s unlawful detainer statute do not raise federal questions.”); *Wells Fargo Bank 3 v. Lapeen*, No. C 11-1932 LB, 2011 WL 2194117, at *3 (N.D.

Cal. June 6, 2011) (“[A]n 4 unlawful detainer action, on its face, does not arise under federal law but is purely a creature 5 of California law.”); *MH Southgate Invs., LLC v. Hernandez*, No. 25-CV-1493, 2025 WL 6 2607632, at *2 (E.D. Cal. Aug. 25, 2025) (same); *JMK Properties, Inc. v. Heatherly*, No. 7 25-CV-1961-RBM-JLB, 2025 WL 2639894, at *2 (S.D. Cal. Sept.

12, 2025) (same). 8 Further, Defendant cannot establish federal question jurisdiction by relying on 9 potential defenses or counterclaims such as the Fair Housing Act, Rehabilitation Act, 10 Americans with Disabilities Act, or the First Amendment. See *Vaden v. Discover Bank*, 11 556 U.S. 49, 60 (2009) (citing *Holmes Group, Inc. v. Vornado Air Circulation Systems, 12 Inc.*, 535 U.S. 826, 832 (2002)).

Therefore, there is no federal question jurisdiction.² 13 Defendant also attempts to assert jurisdiction under 28 U.S.C. § 1343. Section 1343 14 grants district courts original jurisdiction over actions “commenced by any person” to 15 redress the deprivation of constitutional rights. 28 U.S.C. § 1343. Jurisdiction under 16 § 1343 is limited to actions involving: “(1) conspiracy to interfere with civil rights; 17 (2) failure to prevent or aid in preventing a conspiracy to interfere with civil rights; 18 (3) deprivation of rights under color of state law; and (4) acts of congress for protection of 19 civil rights.” *Robbins v. LDM-Properties, LLC*, No. 22-CV-933, 2022 WL 1469425, at *2 20 (C.D.

Cal. May 10, 2022). Here, the Complaint is for unlawful detainer, not deprivation 21 of constitutional rights, and none of the grounds for jurisdiction are present here. See *West 22 Hollywood RE, LLC v. Weiss*, No. CV 24-4692-JFW(PDx), 2024 WL 4003902, at *1 (C.D. 23 Cal. June 17, 2024) (denying jurisdiction under § 1343 because the complaint was for 24 unlawful detainer).

Thus, jurisdiction under § 1343 is improper. 25 Defendant also attempts to assert jurisdiction under 28 U.S.C. § 1443, which 26 27 28 2 There is also no diversity jurisdiction under 28 U.S.C. § 1332 because, while the residency of Plaintiff 1 provides federal courts with original jurisdiction over certain civil rights actions. Not. at 2 2.

To satisfy removal under § 1443, the defendant has the burden to satisfy two 3 requirements: (1) “the [defendant] must assert, as a defense to the [action], rights that are 4 given to them by explicit statutory enactment protecting equal racial civil rights;” and (2) 5 the “[defendant] must assert that the state courts will not enforce that right,” with “reference 6 to a state statute or a constitutional provision that purports to command the state courts to 7 ignore the federal rights.” *Patel v. Del Taco, Inc.*, 446 F.3d 996, 998 (9th Cir.

2006) (citing 8 *California v. Sandoval*, 434 F.2d 635, 636 (9th Cir. 1970)), abrogated on other grounds 9 by, *BP P.L.C. v. Mayor & City Council of Baltimore*, U.S. 593 U.S. 230 (2021). 10 “Courts thus routinely reject removal under Section 1443 unless the claim is 11 predicated on racial discrimination.” *Bartlett v. Patera*, No. 17-CV-6991-JSC, 2018 WL 12 10436644, at *2 (N.D.

Cal. Feb. 8, 2018) (collecting cases) (finding a defense under the 13 Fair Housing Act for violations of civil rights independent of race did not satisfy § 1443); 14 see also *State of Georgia v. Rachel*, 384 U.S. 780, 792 (1966) (“[W]e conclude that the 15 phrase ‘any law providing for equal civil rights’ must be construed to mean any law 16 providing for specific civil rights stated in terms of racial equality.”).

Here, Defendant 17 alleges that the civil rights at issue are her familial-status with a minor child and disabilities 18 under the Americans with Disabilities Act—not racial discrimination. Not. at 2;

see, e.g., 19 *Santi v. Batache*, No. 21-CV-603-SB-PD, 2021 WL 425982, at *2 (C.D. Cal. Feb. 5, 2021) 20 (finding removal of a state unlawful detainer action improper under § 1443 based on 21 defendant’s ADA counterclaim).

Further, Defendant has not satisfied the second prong. 22 Defendant argues that the way California state courts handle unlawful detainer actions 23 deprives her of the opportunity to raise her “complex federal defenses” and that San Diego 24 Superior Court judges all suffer from conflicts of interest as CalPERS Beneficiaries. Not. 25 at 6.

However, “[b]ad experiences with the particular court in question will not suffice.” 26 *Sandoval*, 434 F.2d at 636; see also *Hernandez v. Oliu*, No. 14-cv-3924-SVW-FFMx, 2014 27 U.S. Dist. LEXIS 84554, at *3 (C.D. Cal. June 17, 2014) (finding the second prong not met 28 when defendant presented complaints about how California state courts handle unlawful 1 || detainer actions); *Vincent v. Evans*, No. SA CV-16-43-JLS (KESx), 2016 WL 236203, at 2 ||*2-3 (C.D.

Cal. Jan. 20, 2016) (same). Therefore, jurisdiction under § 1443 is also 3 || improper. 4 Accordingly, the Court lacks subject matter jurisdiction and REMANDS the case to 5 Diego Superior Court, Case Number 25UD052994C. See *MH Southgate Invs., LLC*, 6 || No. 25-CV-1493-DC-SCR, 2025 WL 2607632, at *2 (E.D. Cal. Aug. 25, 2025) (“[F]ederal 7 courts routinely remand unlawful detainer actions to state court.””).

8 CONCLUSION 9 In light of the foregoing, the Court: 10 1. DENIES Defendant’s Motion to Seal in Entirety. 11 2. REMANDS this action to the Superior Court for the State of California, 12 County of San Diego, for lack of subject matter jurisdiction. 13 3. DENIES AS MOOT Defendant’s Motion to Dismiss Unlawful Detainer 14 Complaint. 15 4. DENIES AS MOOT Defendant’s Application to Proceed in District 16 Court Without Prepaying Fees or Costs.

17 IT IS SO ORDERED. 18 | Dated: October 30, 2025 19 ft □ 21 United States District Judge 22 23 24 25 26 27 28