

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Buckelew Programs v. Van Zandt

Case No. 25-cv-01745-WHO (N.D. Cal. May 6, 2025) · No. 25-cv-01745-WHO · Decided May 6, 2025

SUMMARY

The United States District Court for the Northern District of California granted Buckelew Programs’ motion to remand an unlawful detainer action to Marin County Superior Court. The court held that the state-law unlawful detainer complaint did not present a federal question and that federal defenses or connections to HUD did not support removal jurisdiction.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 6, 2025
DOCKET	25-cv-01745-WHO
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed a California unlawful-detainer action from Marin County Superior Court based on asserted federal-question jurisdiction. Plaintiff moved to remand.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- subject matter jurisdiction
- civil procedure
- landlord tenant
- eviction

PRACTICE AREAS

- federal jurisdiction
- removal and remand
- unlawful detainer
- landlord-tenant law

QUESTIONS PRESENTED

- Whether a California unlawful-detainer action presented a federal question on the face of the complaint sufficient to support removal jurisdiction.

2. Whether federal claims or defenses asserted by the defendant, including claims or defenses related to HUD, could create federal-question jurisdiction.
3. Whether plaintiff was entitled to attorney fees incurred as a result of removal.

HOLDINGS

1. The court lacked subject-matter jurisdiction because Buckelew's complaint asserted only an unlawful-detainer claim under California law and did not present a federal question on its face.
2. A federal defense, or federal claims and defenses asserted by the defendant that do not appear on the face of the complaint, cannot establish federal-question jurisdiction for removal.
3. The court declined to award attorney fees to Buckelew despite granting remand.

KEY QUOTATIONS

"[F]ederal question jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint." (at 1)

"The rule makes the plaintiff the master of the claim; he or she may avoid federal jurisdiction by exclusive reliance on state law." (at 1)

"it is now settled law that a case may not be removed to federal court on the basis of a federal defense." (at 1)

FACTUAL BACKGROUND

Buckelew Programs brought an unlawful-detainer action against Lawrence Van Zandt under California law. Van Zandt's lease concerned HUD's Continuum of Care Program, and he argued that the HUD connection and federal claims or defenses created federal-question jurisdiction. The district court concluded that the complaint itself presented only a California unlawful-detainer claim.

PROCEDURAL HISTORY

Buckelew Programs filed an unlawful-detainer action against Lawrence Van Zandt in Marin County Superior Court, Case No. CV0005189. Van Zandt removed the action to the Northern District of California, asserting that the case involved HUD-related federal questions and federal claims or defenses. The district court granted Buckelew's motion to remand and remanded the action to Marin County Superior Court; it denied the request for attorney fees.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the Marin County Superior Court. No additional substantive instructions were provided.

CASES CITED

- Rivet v. Regions Bank of La., 522 U.S. 470, 475 (1998)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 393 (1987)
- Bank of Am., N.A. v. Arriola, No. 12-cv-1652-JCS, 2012 WL 1996954, at *2 (N.D. Cal. June 4, 2012)

OPINION

Buckelew Programs v. Van Zandt

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 BUCKELEW PROGRAMS, Case No. 25-cv-01745-WHO 8 Plaintiff,

ORDER REMANDING CASE

v. 9 Re: Dkt. Nos. 3, 19

10 LAWRENCE VAN ZANDT,

Defendant. 11 12 13 Pro se defendant Lawrence Van Zandt removed this unlawful detainer case brought against 14 him by plaintiff Buckelew Programs (hereafter, “Buckelew”) from Marin County Superior Court, 15 arguing that this court has original jurisdiction because the case involves federal questions. See 16 Dkt. No. 1 (Notice of Removal); see also Buckelew Programs v. Van Zandt, Case. No. 17 CV0005189, Marin County Superior Court. In his Notice of Removal, Van Zandt argued that 18 because the claims in the unlawful detainer case were “inextricably intertwined with and 19 connected to” the United States Department of Housing and Urban Development (“HUD”), this 20 court had federal question jurisdiction. See Dkt. No. 1 at pp. 2-3. Buckelew now moves to 21 remand the action back to state court. Dkt. No. 3. Van Zandt reasserts in his response that this 22 court has federal question jurisdiction because the facts of the complaint involve HUD, and to 23 assert several claims and defenses which themselves involve federal law. Dkt. Nos. 15, 16. 24 Having considered the papers submitted, I find this matter suitable for disposition without 25 oral argument and VACATE the hearing set for May 8, 2025.1 Because a defense based on 26 1 On May 2, 2025, Van Zandt filed a notice with the court that he would “not appear at any 27 proceedings which have not been properly noticed and properly scheduled.” Dkt. No. 19. In it, he 1 federal law does not give rise to federal jurisdiction, and because Buckelew’s action is based 2 entirely on the California unlawful detainer statutes, Buckelew’s motion to remand is GRANTED.

3 DISCUSSION

4 This court does not have subject matter jurisdiction over a state court unlawful detainer 5 action. “[F]ederal question jurisdiction exists only when a federal question is presented on the 6 face of the plaintiff’s properly pleaded complaint.” Rivet v. Regions Bank of La., 522 U.S. 470, 7 475 (1998). “The rule makes the plaintiff the master of the claim; he or she may avoid federal 8

jurisdiction by exclusive reliance on state law.” *Caterpillar Inc. v. Williams*, 482 U.S. 386, 393 9 (1987). Conversely, “it is now settled law that a case may not be removed to federal court on the 10 basis of a federal defense.” *Id.* California federal courts have repeatedly held that unlawful 11 detainer cases brought under California’s unlawful detainer statute do not raise federal 12 questions. See, e.g., *Bank of Am., N.A. v. Arriola*, No. 12-cv-1652-JCS, 2012 WL 1996954, at *2 13 (N.D. Cal. June 4, 2012). 14 Buckelew’s complaint is for unlawful detainer under California law and does not raise or 15 present a federal question that confers subject matter jurisdiction on this court. Moreover, even 16 though Van Zandt is trying to raise federal claims or defenses that he believes arise out of the 17 unlawful detainer action, see Dkt. No. 15 at pp. 2-3, he cannot do so in this removed action. See 18 *Caterpillar Inc.*, 482 U.S. at 393. None of the various “Federal Questions” to which Van Zandt 19 refers in his Opposition appear on the face of Buckelew’s complaint. The mere fact that Van 20 Zandt’s lease (the subject of Buckelew’s lawsuit) is through the federal agency HUD’s Continuum 21 of Care Program, see Dkt. No. 1, Exhibit B (Lease), does not convert this state law unlawful 22 detainer action into a federal case. 23 need not address Van Zandt’s notice of refusal to appear. 24 2 Buckelew asks that in addition to remanding the case, I order Van Zandt to pay Buckelew 25 attorney fees in the amount of \$1,792.50, based on the Notice of Removal being “procedurally and substantively defective.” Upon granting a motion for remand, a district court may order that the 26 plaintiff be awarded its “just costs and any actual expenses, including attorney fees, incurred as a result of the removal.” 28 U.S.C. § 1447(c). Whether attorney fees are appropriate is within the 27 discretion of the trial court. See *id.* No attorney fees will issue here. While Van Zandt’s Notice

1 CONCLUSION

2 For the foregoing reasons, the motion to remand is GRANTED, and this case is remanded 3 to the Marin County Superior Court. 4 IT IS SO ORDERED. 5 Dated: May 6, 2025 7 ® William H. Orrick 8 United States District Judge 9 10 11 a 12 13 © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28