

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PRECEDENTIAL VALUE	unpublished district court order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)

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