

**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

OPINION

Buckelew Programs v. Van Zandt

PER CURIAM.

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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