

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Omnivest Corp. v. Johnny Acevedo, et al.

Omnivest Corp. · No. 2:25-cv-00995-DAD-SCR · Decided April 4, 2025

SUMMARY

The United States District Court for the Eastern District of California sua sponte remanded this removed unlawful detainer action to the Sacramento County Superior Court for lack of subject matter jurisdiction. The court held that the complaint arose entirely under California law and that anticipated federal defenses or counterclaims could not support removal; it denied a defendant’s motion to proceed in forma pauperis as moot and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 4, 2025
DOCKET	2:25-cv-00995-DAD-SCR
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendants removed a California unlawful detainer action from the Sacramento County Superior Court and one defendant moved to proceed in forma pauperis. The federal district court sua sponte examined subject matter jurisdiction and remanded the action.
STANDARD OF REVIEW	The district court independently and sua sponte examined subject matter jurisdiction over the removed action; the opinion applies the presumption against removal and the burden on the removing party to establish federal jurisdiction.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation and no stated precedential status.
PARTIES	Johnny Acevedo, et al. v. Omnivest Corp.

TOPICS

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

PRACTICE AREAS

civil procedure

federal jurisdiction

removal and remand

landlord-tenant law

QUESTIONS PRESENTED

1. Whether the federal district court had subject matter jurisdiction over the removed unlawful detainer action.
2. Whether a federal defense or counterclaim could provide a basis for removal jurisdiction.
3. Whether the defendant's motion to proceed in forma pauperis remained viable after remand.

HOLDINGS

1. The district court lacked subject matter jurisdiction because the complaint pleaded only a California unlawful detainer claim and presented no federal question on its face.
2. A federal defense or counterclaim cannot form the basis for removal jurisdiction under the well-pleaded complaint rule.
3. Remand to the Sacramento County Superior Court was mandatory once the district court determined that federal subject matter jurisdiction was absent.

KEY QUOTATIONS

“A district court has “a duty to establish subject matter jurisdiction over the removed action sua sponte, whether the parties raised the issue or not.”” (at 1)

“The strong presumption against removal jurisdiction” means that “the court resolves all ambiguity in favor of remand to state court.”” (at 1)

“a case may not be removed on the basis of a federal defense . . . even if the defense is anticipated in the plaintiff’s complaint and both parties concede that the federal defense is the only question truly at issue.” (at 1)

“Remand of this case to the Sacramento County Superior Court is appropriate and mandatory.” (at 2)

FACTUAL BACKGROUND

Omnivest Corp. brought a straightforward unlawful detainer action based entirely on California state law. Defendants, proceeding pro se, removed the action to federal court and asserted federal-law grounds defensively. The complaint did not present a federal question on its face.

PROCEDURAL HISTORY

Omnivest Corp. filed an unlawful detainer action under California law in the Sacramento County Superior Court, case number 25UD000996. On April 2, 2025, defendants removed the action to the Eastern District of California, and Johnny Acevedo filed a motion to proceed in forma pauperis. The district court determined that the complaint presented no federal question, remanded the case for lack of subject matter jurisdiction, denied the in forma pauperis motion as moot, and closed the federal case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded forthwith to the Sacramento County Superior Court pursuant to 28 U.S.C. § 1447(c) for lack of subject matter jurisdiction. The clerk was directed to close the federal case.

CASES CITED

- United Investors Life Insurance Co. v. Waddell & Reed, Inc., 360 F.3d 960, 967 (9th Cir. 2004)
- Geographic Expeditions, Inc. v. Estate of Lhotka, 599 F.3d 1102, 1106-07, 1107 (9th Cir. 2010)
- ARCO Environmental Remediation, LLC v. Department of Health & Environmental Quality, 213 F.3d 1108, 1113 (9th Cir. 2000)
- Hunter v. Philip Morris USA, 582 F.3d 1039, 1042 (9th Cir. 2009)
- Gibson v. Chrysler Corp., 261 F.3d 927, 932 (9th Cir. 2001)
- Bruns v. NCUA, 122 F.3d 1251, 1257 (9th Cir. 1997)
- California ex rel. Lockyer v. Dynegy, Inc., 375 F.3d 831, 838 (9th Cir. 2004)
- California v. United States, 215 F.3d 1005, 1014 (9th Cir. 2000)
- Caterpillar, Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Vaden v. Discover Bank, 556 U.S. 49, 70 (2009)