

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Wilmington Trust v. Kerr

Case No. 2:25-cv-04054-CAS-MAAx (C.D. Cal. May 23, 2025) · No. 2:25-cv-04054-CAS-MAAx · Decided
May 23, 2025

SUMMARY

The United States District Court for the Central District of California remanded Wilmington Trust's unlawful detainer action to the Los Angeles County Superior Court. The court held that the plaintiff's state-law unlawful detainer claim did not establish federal-question jurisdiction, and that defendants could not create federal jurisdiction through defenses, counterclaims, or references to federal statutes. The court also declined to rule on the defendants' pending temporary restraining order applications and stated that counterclaims could not be entertained in the summary unlawful detainer proceeding.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Christina A. Snyder
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 23, 2025
DOCKET	2:25-cv-04054-CAS-MAAx
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendants removed an unlawful detainer action from Los Angeles County Superior Court based on asserted federal-question jurisdiction. The district court sua sponte ordered defendants to show cause why the action should not be remanded and then remanded for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The district court reviewed subject matter jurisdiction sua sponte and applied the federal-question jurisdiction and removal principles governing the well-pleaded complaint.
PRECEDENTIAL VALUE	Unknown; district court civil minutes order
PARTIES	Clifton Kerr, Maritza Escoto v. Wilmington Trust

TOPICS

subject matter jurisdiction

eviction

landlord tenant

civil procedure

PRACTICE AREAS

civil procedure

real estate

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the federal district court had federal-question subject matter jurisdiction over a removed unlawful detainer action when the complaint asserted only a state-law unlawful detainer claim.
2. Whether defendants' federal defenses, counterclaims, or references to federal rights could establish subject matter jurisdiction over the removed action.
3. Whether the district court could entertain defendants' pending temporary restraining order applications and counterclaims after determining that it lacked subject matter jurisdiction.

HOLDINGS

1. The district court lacked federal-question subject matter jurisdiction because the complaint asserted only an unlawful detainer claim, which is a state-law claim.
2. Defendants could not create federal subject matter jurisdiction by asserting that federal questions or federal rights were implicated in the case.
3. Because the court lacked subject matter jurisdiction, it could not rule on defendants' pending temporary restraining order applications, and defendants' counterclaims could not be entertained in the unlawful detainer proceeding.

KEY QUOTATIONS

“ “[u]nlawful detainer actions are strictly within the province of state court.” ” (*6)

“ “[T]he complaint only asserts a claim for unlawful detainer, a cause of action that is purely a matter of state law.” ” (*2)

FACTUAL BACKGROUND

Wilmington Trust brought an unlawful detainer action against Kerr, Escoto, and Doe defendants in Los Angeles County Superior Court. Defendants removed the action and asserted that federal rights were implicated, citing bank fraud, the Truth in Lending Act, and the Protecting Tenants at Foreclosure Act. The complaint, however, asserted only a state-law unlawful detainer claim.

PROCEDURAL HISTORY

Wilmington Trust filed an unlawful detainer action against Clifton Kerr, Maritza Escoto, and Doe defendants in Los Angeles County Superior Court on December 19, 2024. Defendants removed the case to the Central District of California on May 6, 2025, asserting jurisdiction under 28 U.S.C. § 1331, and filed applications for temporary restraining orders and other requests. After reviewing defendants' responses and filings, the district court

concluded that the complaint asserted only a state-law unlawful detainer claim and remanded the case to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to Los Angeles County Superior Court.

CASES CITED

- Federal Nat'l Mortg. Assoc. v. Suarez, 2011 U.S. Dist. LEXIS 82300 (E.D. Cal. July 27, 2011)
- Deutsche Bank Nat'l Trust Co. v. Leonardo, 2011 U.S. Dist. LEXIS 83854 (C.D. Cal. Aug. 1, 2011)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES — GENERAL JS-6 Case No. 2:25-cv-04054-CAS-MAAx Date May 23, 2025 Title Wilmington Trust v. Kerr et al Present: The Honorable CHRISTINA A. SNYDER Catherine Jeang Not Present N/A Deputy Clerk Court Reporter / Recorder Tape No. Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) - ORDER REMANDING CASE TO LOS ANGELES COUNTY SUPERIOR COURT On December 19, 2024, plaintiff Wilmington Trust filed this unlawful detainer action against defendants Clifton Kerr (“Kerr”), Maritza Escoto (“Escoto”), and Does 1- 10 (collectively “defendants”) in Los Angeles County Superior Court.

Dkt. 1. Defendants removed the case to this Court on May 6, 2025. Id. Defendants assert that this Court has jurisdiction on the basis of a federal question. Id. (citing 28 U.S.C. § 1331). On May 6, 2025, defendants also filed an application for a temporary restraining order. Dkt. 2.

On May 7, 2025, this Court issued an order to show cause why this case should not be remanded to Los Angeles County Superior Court for lack of subject matter jurisdiction. Dkt. 1]. On May 22, 2025, defendants filed counterclaims against Wilmington Trust, dkt. 20, a request to proceed in forma pauperis on behalf of Escoto, dkt. 21, an application for a temporary restraining order, dkt.

22, a demand for mandatory alternative dispute resolution, dkt. 23, a declaration of Escoto in response to the Courts order to show cause, dkt. 24, and a request for the Clerk to issue summons on the Counterclaims, dkt. 27. Across these filings, defendants argue that federal rights are implicated in this case, and thus the Court has federal question jurisdiction under 28 U.S.C. § 1331, including on the basis of bank fraud, the truth in lending act, and the protecting tenants at foreclosure act.

See, e.g., dkt. 24. It appears that this Court lacks subject matter jurisdiction over this action. The law is clear that “[u]nlawful detainer actions are strictly within the province of state court.” Federal Nat’l Mort. Assoc. v. Suarez, 2011 U.S. Dist. LEXIS 82300, *6 (E.D. Cal. Jul. 27, 2011); Deutsche Bank Nat’l Trust Co. v. Leonardo, 2011 U.S. Dist. LEXIS 83854, *2 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES — GENERAL JS-6 Case No. 2:25-cv-04054-CAS-MAAx Date May 23, 2025 Title Wilmington Trust v. Kerr et al (C.D.

Cal. Aug. 1, 2011) (“[T]he complaint only asserts a claim for unlawful detainer, a cause of action that is purely a matter of state law.”). Here, the only claim asserted by plaintiff is for unlawful detainer against defendants. See Dkt. 1. Defendants cannot create federal subject matter jurisdiction by stating that federal questions are at issue. Dkt. 1.

Because it appears the Court does not have jurisdiction over this case, the Court cannot rule on either of defendants’ pending requests for a temporary restraining order. Dkt. 2, 22. Additionally, because an unlawful detainer proceeding is a summary proceeding, defendants are not entitled to file counterclaims, and thus such filings cannot be entertained by this Court.

Accordingly, this Court lacks subject matter jurisdiction based on a federal question and must remand. Suarez, 2011 U.S. Dist. LEXIS 82300 at *6. This case is hereby REMANDED to Los Angeles County Superior Court. IT IS SO ORDERED. 00: 00 Initials of Preparer CMS