

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

207 Seaside Partners LLC v. Andrew Knight

207 Seaside Partners · No. CV 25-2906-DMG (ASx) · Decided April 9, 2025

SUMMARY

The United States District Court for the Central District of California sua sponte remands an unlawful detainer action to the Los Angeles County Superior Court for lack of subject matter jurisdiction. The court concludes that federal-question jurisdiction, removal under 28 U.S.C. § 1443, bankruptcy jurisdiction, and diversity jurisdiction are not established.

CASE DETAILS

COURT	United States District Court for the Central District of California
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 9, 2025
DOCKET	CV 25-2906-DMG (ASx)
DISPOSITION	remanded
PROCEDURAL POSTURE	The defendant removed a California unlawful detainer action to federal district court. The district court sua sponte reviewed the notice of removal and state-court records and remanded the action for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The district court independently reviewed subject matter jurisdiction and the notice of removal, including sua sponte consideration of whether federal jurisdiction existed.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- subject matter jurisdiction
- civil procedure
- ejectment
- landlord tenant
- affirmative defenses

PRACTICE AREAS

- civil procedure
- real estate
- landlord tenant

QUESTIONS PRESENTED

1. Whether the federal district court had subject matter jurisdiction over the removed California unlawful detainer action.
2. Whether federal affirmative defenses could establish federal-question jurisdiction.
3. Whether removal was authorized under 28 U.S.C. § 1443.
4. Whether bankruptcy or diversity jurisdiction supported removal.
5. Whether the removing party's status and the allegations concerning citizenship and amount in controversy satisfied the requirements for removal.

HOLDINGS

1. The court lacked subject matter jurisdiction over the removed unlawful detainer action and was required to remand it to California state court.
2. Federal affirmative defenses do not create federal-question jurisdiction or make a state-court action removable.
3. The defendant failed to establish a basis for removal under either subsection of 28 U.S.C. § 1443.
4. The underlying unlawful detainer action did not arise under Title 11, so 28 U.S.C. § 1334 did not provide a basis for federal jurisdiction.
5. Diversity jurisdiction was not established because complete diversity and the amount-in-controversy requirement were lacking or inadequately alleged, and the action was a limited civil unlawful detainer proceeding not exceeding \$25,000.

KEY QUOTATIONS

“The right of removal is entirely a creature of statute and ‘a suit commenced in a state court must remain there until cause is shown for its transfer under some act of Congress.’” (Order at 1)

“Under the plain terms of § 1441(a), in order properly to remove [an] action pursuant to that provision, [the removing defendant] must demonstrate that original subject-matter jurisdiction lies in the federal courts.” (Order at 1)

“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” (Order at 1)

FACTUAL BACKGROUND

The underlying action was an unlawful detainer proceeding governed by California law. The removing defendant relied on asserted federal affirmative defenses and invoked federal-question, civil-rights-removal, bankruptcy, and diversity jurisdiction. The complaint did not plead a federal claim, the action did not arise under Title 11, the parties and amount in controversy did not establish diversity jurisdiction, and the removing party was not alleged to be a named defendant in the state complaint.

PROCEDURAL HISTORY

207 Seaside Partners, LLC filed an unlawful detainer action in the Superior Court of California for Los Angeles County. Andrew Knight removed the action to the Central District of California, asserting federal-question, civil-rights-removal, bankruptcy, and diversity grounds. The district court concluded that none supported federal jurisdiction and remanded the case to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand the action to the Superior Court of California for the County of Los Angeles for lack of subject matter jurisdiction.

CASES CITED

- Syngenta Crop Prot., Inc. v. Henson, 537 U.S. 28, 32-33 (2002)
- Great N. Ry. Co. v. Alexander, 246 U.S. 276, 280 (1918)
- Nevada v. Bank of Am. Corp., 672 F.3d 661, 667 (9th Cir. 2012)
- Gaus v. Miles, Inc., 980 F.2d 564, 566-67 (9th Cir. 1992)
- Dennis v. Hart, 724 F.3d 1249, 1252 (9th Cir. 2013)
- Abrego Abrego v. Dow Chem. Co., 443 F.3d 676, 682 (9th Cir. 2006)
- Kelton Arms Condo. Owners Ass'n v. Homestead Ins. Co., 346 F.3d 1190, 1192 (9th Cir. 2003)
- Emrich v. Touche Ross & Co., 846 F.2d 1190, 1194 n.2 (9th Cir. 1988)
- ARCO Env't Remediation, L.L.C. v. Dep't of Health & Env't Quality, 213 F.3d 1108, 1113 (9th Cir. 2000)
- Berg v. Leason, 32 F.3d 422, 426 (9th Cir. 1994)
- Franchise Tax Bd. v. Constr. Laborers Vacation Tr., 463 U.S. 1, 14 (1983)
- Patel v. Del Taco, Inc., 446 F.3d 996, 999 (9th Cir. 2006)
- Bogart v. California, 355 F.2d 377, 381-82 (9th Cir. 1966)
- City of Greenwood v. Peacock, 384 U.S. 808, 824 & n.22 (1966)
- Dart Cherokee Basin Operating Co. v. Owens, 574 U.S. 81, 89 (2014)
- Sharma v. HSI Asset Loan Obligation Tr. 2007-1, 23 F.4th 1167, 1170-71 (9th Cir. 2022)

OPINION

207 Seaside Partners LLC v. Andrew Knight

PER CURIAM.

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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA

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207 SEASIDE PARTNERS, LLC,

CASE NUMBER: 5

6 CV 25-2906-DMG (ASx)

Plaintiff(s), 7 v.

8 ANDREW KNIGHT,

ORDER REMANDING CASE TO

9 STATE COURT

10 Defendant(s). 11 12 The Court sua sponte REMANDS this action to the California Superior
Court for the 13 County of L o s A n g e l e s for lack of subject matter jurisdiction, as set forth
below. 14 “The right of removal is entirely a creature of statute and ‘a suit commenced in a state
15 court must remain there until cause is shown for its transfer under some act of Congress.’” 16
Syngenta Crop Prot., Inc. v. Henson, 537 U.S. 28, 32 (2002) (quoting Great N. Ry. Co. v. 17
Alexander, 246 U.S. 276, 280 (1918)). Generally, where Congress has acted to create a right of 18
removal, those statutes are strictly construed against removal jurisdiction. Id.; Nevada v. Bank of
19 Am. Corp., 672 F.3d 661, 667 (9th Cir. 2012); Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir.
1992). 20 Unless otherwise expressly provided by Congress, a defendant may remove “any civil
21 action brought in a State court of which the district courts of the United States have original 22
jurisdiction.” 28 U.S.C. § 1441(a); Dennis v. Hart, 724 F.3d 1249, 1252 (9th Cir. 2013). The 23
removing defendant bears the burden of establishing federal jurisdiction. Abrego Abrego v. 24
Dow Chem. Co., 443 F.3d 676, 682 (9th Cir. 2006); Gaus, 980 F.2d at 566-67. “Under the plain 25
terms of § 1441(a), in order properly to remove [an] action pursuant to that provision, [the 26
removing defendant] must demonstrate that original subject-matter jurisdiction lies in the federal
27 courts.” Syngenta Crop Prot., 537 U.S. at 33. Failure to do so requires that the case be
remanded, 28 as “[s]ubject matter jurisdiction may not be waived, and . . . the district court must
remand if it 1 || lacks jurisdiction.” Kelton Arms Condo. Owners Ass’n v. Homestead Ins. Co., 346
F.3d 1190, 2 || 1192 (9th Cir. 2003) (citation omitted). “If at any time before final judgment it
appears that the 3 || district court lacks subject matter jurisdiction, the case shall be remanded.” 28
U.S.C. § 1447(c). 4 || It is “elementary that the subject matter jurisdiction of the district court is not
a waivable matter 5 || and may be raised at anytime by one of the parties, by motion or in the
responsive pleadings, or 6 || sua sponte by the trial or reviewing court.” Emrich v. Touche Ross &
Co., 846 F.2d 1190, 1194 n.2 7 || (9th Cir. 1988). 8 From a review of the Notice of Removal and
the state court records provided, it is evident 9 || that the Court lacks subject matter jurisdiction
over the instant case, for the following reasons. 10 No basis for federal question jurisdiction has
been identified: 11 The Complaint does not include any claim “arising under the Constitution, laws,
12 or treaties of the United States.” 28 U.S.C. § 1331. 13 Removing defendant(s) asserts that the
affirmative defenses at issue give rise to 14 federal question jurisdiction, but “the existence of
federal jurisdiction depends solely on the plaintiffs claims for relief and not on anticipated
defenses to those 15 claims.” ARCO Env’t Remediation, L.L.C. v. Dept. of Health and Env’t

Quality, 16 213 F.3d 1108, 1113 (9th Cir. 2000). An “affirmative defense based on federal law” does not “render[] an action brought in state court removable.” *Berg v. Leason*, 32 17 F.3d 422, 426 (9th Cir. 1994). A “case may not be removed to federal court on the 18 basis of a federal defense . . . even if the defense is anticipated in the plaintiffs complaint, and even if both parties admit that the defense is the only question truly 19 at issue in the case.” *Franchise Tax Bd. v. Constr. Laborers Vacation Tr.*, 463 US. 1, 14 (1983). 20 21 Removing defendant(s) has not alleged facts sufficient to show that the requirements for removal under 28 U.S.C. § 1443 are satisfied. Section 1443(1) 22 provides for the removal of a civil action filed “[a]gainst any person who is denied 23 or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States... .” Even assuming that the 24 removing defendant(s) has asserted rights provided “by explicit statutory enactment protecting equal racial civil rights,” *Patel v. Del Taco, Inc.*, 446 F.3d 996, 25 999 (9th Cir. 2006) (citation omitted), defendant(s) has not identified any “state 6 statute or a constitutional provision that purports to command the state courts to ignore the federal rights” or pointed “to anything that suggests that the state court 27 would not enforce [defendant’s] civil rights in the state court proceedings.” *Id.* 28 (citation omitted); see also *Bogart v. California*, 355 F.2d 377, 381-82 (9th Cir. 1966) (holding that conclusionary statements lacking any factual basis cannot support removal under § 1443(1)). Nor does § 1443(2) provide any basis for 1 removal, as it “confers a privilege of removal only upon federal officers or agents 5 and those authorized to act with or for them in affirmatively executing duties under any federal law providing for equal civil rights” and on state officers who 3 refuse to enforce discriminatory state laws. *City of Greenwood v. Peacock*, 384 US. 808, 824 & n.22 (1966). 4 5 The underlying action is an unlawful detainer proceeding, arising under and governed by the laws of the State of California. 6 [-] Removing defendant(s) claims that 28 U.S.C. § 1334 confers jurisdiction on this 7 Court, but the underlying action does not arise under Title 11 of the United States 8 Code. 9 Diversity jurisdiction is lacking, and/or this case is not removable on that basis: 10 Every defendant is not alleged to be diverse from every plaintiff. 28 U.S.C. § 1332(a). 12 The Complaint does not allege damages in excess of \$75,000, and removing defendant(s) has not plausibly alleged that the amount in controversy requirement 13 has been met. *Id.*; see *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 14 89 (2014). 15 The underlying unlawful detainer action is a limited civil action that does not 16 exceed \$25,000. [-] Removing defendant(s) is a citizen of California. 28 U.S.C. § 1441(b)(2). 18 [-] Removing party is not a named defendant in the underlying Complaint. See 28 U.S.C. § 1441(a); *Sharma v. HSI Asset Loan Obligation Tr.* 2007-1, 23 F.4th 1167, 19 1170-71 (9th Cir. 2022). 20 LJ lother: 21 22 23 24 . . . IT IS THEREFORE ORDERED that this matter be, and hereby is, REMANDED to the Superior 25 |! Court of California listed above, for lack of subject matter jurisdiction. 26 IT IS SO ORDERED. 27 28 Date: April 9, 2025 Dn ees _____ — ☐ United States District Judge

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