

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lee R. Harris v. Juliane Sabbagh

No. 25-cv-10754-KAW (N.D. Cal. Dec. 22, 2025) · No. 25-cv-10754-KAW · Decided December 22, 2025

SUMMARY

The court reassigns the removed unlawful detainer action to a district judge and recommends remand to Alameda County Superior Court. It concludes that the complaint raises only a California-law unlawful detainer claim and that the defendant's asserted federal defenses and requirements do not establish federal-question jurisdiction. The court also grants the defendant's application to proceed in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 22, 2025
DOCKET	25-cv-10754-KAW
DISPOSITION	other
PROCEDURAL POSTURE	Defendant removed a California unlawful detainer action from Alameda County Superior Court on asserted federal-question grounds. The magistrate judge, to whom the parties had not consented, reassigned the matter to a district judge and issued a report and recommendation that the case be remanded to state court; the court also granted Defendant's application to proceed in forma pauperis.
STANDARD OF REVIEW	Removal jurisdiction is strictly construed against removal; the removing party bears the burden of establishing federal jurisdiction, and all doubts concerning removability are resolved in favor of remand.
PRECEDENTIAL VALUE	unknown
PARTIES	Juliane Sabbagh v. Lee R. Harris

TOPICS

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

PRACTICE AREAS

civil procedure

removal jurisdiction

landlord-tenant law

QUESTIONS PRESENTED

1. Whether the unlawful detainer complaint presented a federal question sufficient to support removal under 28 U.S.C. §§ 1331 and 1441.
2. Whether a defendant's asserted federal defenses, federal requirements, or potential counterclaims could create federal-question jurisdiction when the well-pleaded complaint asserted only a state-law unlawful detainer claim.
3. Whether the case should be remanded to state court.

HOLDINGS

1. The complaint did not present a federal question or a substantial question of federal law because it asserted only a California unlawful detainer claim and did not reference the federal requirements identified by Defendant.
2. A defendant cannot create federal-question jurisdiction by asserting federal defenses, adding claims in a notice of removal, or relying on potential counterclaims.

KEY QUOTATIONS

“Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance,” (at 2)

“The complaint, therefore, fails to present a federal question or a substantial question of federal law.” (at 2)

“the well-pleaded complaint rule prevents the Court from considering any additional claims, such that a defendant cannot create federal question jurisdiction by adding claims or defenses to a notice of removal.” (at 3)

FACTUAL BACKGROUND

Lee R. Harris brought an unlawful detainer action against Julianne Sabbagh concerning property occupied by Sabbagh in Fremont, California. Harris allegedly served Sabbagh with a three-day notice to pay rent or quit on October 31, 2025, and filed the state-court action on November 21, 2025. The complaint asserted a single California-law cause of action and sought immediate possession; Sabbagh removed the action based on alleged federal disclosure and classification requirements.

PROCEDURAL HISTORY

Plaintiff filed an unlawful detainer action in Alameda County Superior Court seeking immediate possession of property in Fremont, California. Defendant removed the action to federal court, asserting that federal requirements incorporated into California tenant-protection law created a federal question. The magistrate judge concluded that the complaint presented only a state-law unlawful detainer claim and recommended remand, while granting in forma pauperis status and directing reassignment to a district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

The magistrate judge recommended that the district judge remand the action to Alameda County Superior Court for further proceedings. Any party could file objections to the report and recommendation within 14 days after service.

CASES CITED

- Stock W., Inc. v. Confederated Tribes, 873 F.2d 1221, 1225 (9th Cir. 1989)
- Luther v. Countrywide Homes Loans Servicing, LP, 533 F.3d 1031, 1034 (9th Cir. 2008)
- Gaus v. Miles, Inc., 980 F.2d 564, 566-67 (9th Cir. 1992)
- Wayne v. DHL Worldwide Express, 294 F.3d 1179, 1183 & n.2 (9th Cir. 2002)
- Franchise Tax Bd. of Cal. v. Constr. Laborers Vacation Trust for S. Cal., 463 U.S. 1, 13 (1983)
- Caterpillar Inc. v. Williams, 482 U.S. 386 (1987)
- Wells Fargo Bank v. Lapeen, No. C 11-01932 LB, 2011 U.S. Dist. LEXIS 60671, at *8 (N.D. Cal. June 2, 2011)
- Sandhu v. Lacewell, No. 2:25-cv-03575-TLN-CKD, 2025 U.S. Dist. LEXIS 257685, at *2 (E.D. Cal. Dec. 11, 2025)
- Fannie Mae v. Adame, No. CV 14-01280 MMM (FFMx), 2014 U.S. Dist. LEXIS 199266, at *7 (C.D. Cal. June 30, 2014)
- Provincial Gov't of Marinduque v. Placer Dome, Inc., 582 F.3d 1083, 1086 (9th Cir. 2009)
- McAtee v. Capital One, F.S.B., 479 F.3d 1143, 1145 (9th Cir. 2007)
- Knowles v. Robinson, 60 Cal. 2d 620, 626-27 (1963)
- IBEW Local 595 Trust Funds v. ACS Controls Corp., No. C-10-5568, 2011 WL 1496056, at *3 (N.D. Cal. Apr. 20, 2011)

OPINION

Harris

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 LEE R. HARRIS, Case No. 25-cv-10754-KAW 8 Plaintiff, ORDER REASSIGNING CASE
TO A

DISTRICT JUDGE; REPORT AND

9 v. RECOMMENDATION TO REMAND

TO STATE COURT; ORDER

10 JULIANE SABBAGH, GRANTING IN FORMA PAUPERIS
APPLICATION

11 Defendant. Re: Dkt. Nos. 1, 2 12 13 14 On December 17, 2025, Defendant Juliane Sabbagh removed this unlawful detainer action 15 from Alameda County Superior Court, and applied to proceed in forma pauperis. (Not. of 16 Removal, Dkt. No. 1; IFP Appl., Dkt. No. 2.)1 17 As removal is clearly improper, and the parties have not consented to the undersigned, for 18 the reasons set forth below, the Court reassigns this case to a district judge and recommends that 19 the case be remanded to state court. Additionally, the Court grants Defendant's application to 20 proceed in forma pauperis.

21 I. BACKGROUND

22 Plaintiff Lee R. Harris commenced this unlawful detainer action against Defendant in 23 Alameda County Superior Court on or around November 21, 2025. (Not. of Removal at 5, 7.) 24 The complaint contains a single cause of action for unlawful detainer, in which Plaintiff seeks 25 immediate possession of a certain property located in Fremont, California, which Defendant 26 occupies. (Id. at 7.) 27 1 On October 31, 2025, Plaintiff allegedly served a written notice on Defendant to pay rent 2 or quit within three days. (Not. of Removal at 8.) On November 21, 2025, Plaintiff filed the 3 instant unlawful detainer suit in state court, and summons was issued. (Not. of Removal at 5, 7.) 4 On December 17, 2021, Defendant removed the action to federal court on the grounds that it 5 presents a federal question. (Not. of Removal at 2.)

6 II. LEGAL STANDARD

7 Federal courts exercise limited jurisdiction. A "federal court is presumed to lack 8 jurisdiction in a particular case unless the contrary affirmatively appears." *Stock W., Inc. v. 9 Confederated Tribes*, 873 F.2d 1221, 1225 (9th Cir. 1989) (citation omitted). A defendant may 10 remove a civil action from state court to federal court if original jurisdiction would have existed at 11 the time the complaint was filed. See 28 U.S.C. § 1441(a). "[R]emoval statutes are strictly 12 construed against removal." *Luther v. Countrywide Homes Loans Servicing, LP*, 533 F.3d 1031, 13 1034 (9th Cir. 2008). "Federal jurisdiction must be rejected if there is any doubt as to the right of 14 removal in the first instance," such that courts must resolve all doubts as to removability in favor 15 of remand. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). The burden of establishing that 16 federal jurisdiction exists is on the party seeking removal. See *id.* at 566-67. 17 Federal district courts have original jurisdiction over actions that present a federal question 18 or those based on diversity jurisdiction. See *Wayne v. DHL Worldwide Express*, 294 F.3d 1179, 19 1183 & n.2 (9th Cir. 2002). Federal district courts have federal question jurisdiction over "all civil 20 actions arising under the Constitution, laws or treaties of the United States." 28 U.S.C. § 1331. 21 Federal question jurisdiction is governed by the well-pleaded complaint rule, which provides that 22 the basis for federal jurisdiction must appear on the face of the properly pleaded complaint, either 23 because the complaint directly raises an issue of federal law or because the plaintiff's "right to 24 relief under state law requires resolution of a substantial question of federal law in dispute 25

between the parties." *Franchise Tax Bd. of Cal. v. Constr. Laborers Vacation Trust for S. Cal.*, 26 463 U.S. 1, 13 (1983). "[A] case may not be removed to federal court on the basis of a federal 27 defense . . . , even if the defense is anticipated in the plaintiff's complaint" *Caterpillar Inc. v.*

1 III. DISCUSSION

2 Defendant removed this unlawful detainer action from state court on the grounds that the 3 district court has jurisdiction because the case presents a federal question. 4 Defendant claims that a federal question exists because Plaintiff has pled an exemption 5 from California tenant-protection statutes which "applies only if federally incorporated disclosure 6 and classification conditions are satisfied." (Not. of Removal at 3.) Defendant also asserts that 7 the validity of the termination notices "depends on compliance with federally mandated 8 disclosures that California law incorporates as conditions precedent to termination." (Id.) 9 Defendant fails to identify the federal requirements that are purportedly required or cite to 10 any authority in support. In turn, the complaint makes no reference to any federal requirements. 11 Rather, the complaint alleges a single cause of action for unlawful detainer, which is "purely a 12 creature of California law." *Wells Fargo Bank v. Lapeen*, No. C 11-01932 LB, 2011 U.S. Dist. 13 LEXIS 60671, at *8 (N.D. Cal. June 2, 2011). The complaint, therefore, fails to present a federal 14 question or a substantial question of federal law. See *Sandhu v. Lacewell*, No. 2:25-cv-03575- 15 TLN-CKD, 2025 U.S. Dist. LEXIS 257685, at *2 (E.D. Cal. Dec. 11, 2025) (finding no federal 16 question jurisdiction in unlawful detainer action where the defendant asserted that the court was 17 required "to determine whether federally imposed and federal incorporated statutory conditions 18 were satisfied as predicates to eviction"); *Fannie Mae v. Adame*, No. CV 14-01280 MMM 19 (FFMx), 2014 U.S. Dist. LEXIS 199266, at *7 (C.D. Cal. June 30, 2014) (finding no federal 20 question jurisdiction in unlawful detainer action where the defendant asserted that the case was 21 "based upon a notice to vacate the property that references and incorporates a federal statute"). 22 Moreover, the well-pleaded complaint rule prevents the Court from considering any 23 additional claims, such that a defendant cannot create federal question jurisdiction by adding 24 claims or defenses to a notice of removal. See *Provincial Gov't of Marinduque v. Placer Dome, 25 Inc.*, 582 F.3d 1083, 1086 (9th Cir. 2009); see also *McAtee v. Capital One, F.S.B.*, 479 F.3d 1143, 26 1145 (9th Cir. 2007) (even previously asserted counterclaims raising federal issue will not permit 27 removal). Accordingly, Defendant's claim that certain federal requirements were not satisfied 1 there are federal questions at issue in this litigation is misplaced. 2 Lastly, the limited scope of unlawful detainer proceedings precludes cross-complaints or 3 counterclaims. See *Knowles v. Robinson*, 60 Cal. 2d 620, 626-27 (1963). Thus, to the extent that 4 || Defendant's assertions could be contained in any such filing, they would, nonetheless, fail to 5 introduce a basis for federal question jurisdiction.

6 IV. CONCLUSION

7 For the reasons set forth above, the Court REASSIGNS this action to a district judge with 8 || the recommendation that the action be REMANDED to state court for further proceedings. The 9 |}

Court GRANTS Defendant's request to proceed in forma pauperis. 10 Any party may file objections to this report and recommendation with the district judge 11 within 14 days of being served with a copy. See 28 U.S.C. § 636(b)(); Fed. R. Civ. P. 72(b); N.D. 12 || Civil L.R. 72-3. The parties are advised that failure to file objections within the specified time 5 13 || may waive the right to appeal the district court's order. IBEW Local 595 Trust Funds v. ACS 14 || Controls Corp., No. C-10-5568, 2011 WL 1496056, at *3 (N.D. Cal. Apr. 20, 2011). 3 15 IT IS SO RECOMMENDED. 16 Dated: December 22, 2025 18 United States Magistrate Judge 19 20 21 22 23 24 25 26 27 28