

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)