

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

The Vue on Seamist, LLC v. Robertson

No. 2:25-cv-00996-DAD-CSK (UD) (PS) (E.D. Cal. Apr. 3, 2025) · No. 2:25-cv-00996-DAD-CSK (UD) (PS) ·
Decided April 4, 2025

SUMMARY

The United States District Court for the Eastern District of California sua sponte remanded an unlawful detainer action to Sacramento County Superior Court for lack of subject matter jurisdiction. The court held that the defendant had not established federal-question or diversity jurisdiction and denied the defendant’s motion to proceed in forma pauperis as moot.

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-00996-DAD-CSK (UD) (PS)
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed a California unlawful detainer action from Sacramento County Superior Court and moved to proceed in forma pauperis. The federal district court sua sponte remanded the action for lack of subject matter jurisdiction and denied the in forma pauperis motion as moot.
STANDARD OF REVIEW	The court independently examined subject matter jurisdiction because a federal court has a duty to establish jurisdiction over a removed action sua sponte. Removal statutes are strictly construed against removal, with ambiguities resolved in favor of remand.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Schirelle Robertson v. The Vue on Seamist, LLC

TOPICS

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

PRACTICE AREAS

federal civil procedure

removal and remand

subject matter jurisdiction

landlord-tenant law

QUESTIONS PRESENTED

1. Whether the removal papers established federal-question jurisdiction under the well-pleaded complaint rule.
2. Whether the removal papers established diversity jurisdiction, including diversity of citizenship and the amount-in-controversy requirement.
3. Whether remand was mandatory under 28 U.S.C. § 1447(c) when subject matter jurisdiction was not established.
4. Whether the motion to proceed in forma pauperis should be denied as moot after remand.

HOLDINGS

1. A removed action may be removed on federal-question grounds only when a federal question appears on the face of the plaintiff's properly pleaded complaint; anticipated federal defenses, constitutional-rights allegations by the removing defendant, or a federal issue elsewhere in the controversy do not establish jurisdiction. Because the state-court complaint was not before the court and the removal papers did not establish a federal question on its face, federal-question jurisdiction was not shown.
2. Diversity jurisdiction was not established because the removal papers did not allege the parties' citizenship or the required amount in controversy, and the court could not determine from the record that more than \$75,000 was in controversy.
3. When a district court lacks subject matter jurisdiction over a removed case, remand under 28 U.S.C. § 1447(c) is mandatory rather than discretionary.

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)

“The presence or absence of federal question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” (at 2)

“This action is REMANDED forthwith to the Sacramento County Superior Court, pursuant to 28 U.S.C. § 1447(c), for lack of subject matter jurisdiction;” (at 3)

FACTUAL BACKGROUND

The underlying action was an unlawful detainer proceeding brought under California state law by The Vue on Seamist, LLC against Schirelle Robertson. Robertson removed the action and alleged that the state action and

underlying complaint involved violations of her civil and constitutional rights. The state-court complaint was not included in the removal record; the attached exhibits appeared to include a stipulated judgment and notice of filing of the unlawful detainer complaint. The removal notice also did not adequately allege diversity of citizenship or the amount in controversy.

PROCEDURAL HISTORY

The Vue on Seamist, LLC brought an unlawful detainer action under California law in Sacramento County Superior Court. Robertson removed the action to the Eastern District of California on April 2, 2025, asserting that alleged civil and constitutional-rights violations supplied federal subject matter jurisdiction, and filed a motion to proceed in forma pauperis. The district court determined that the removal papers did not establish federal-question or diversity jurisdiction, remanded the case to state court, denied the in forma pauperis motion as moot, and closed the 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 motion to proceed in forma pauperis was denied as moot, and the Clerk was directed to close the federal case.

CASES CITED

- United Investors Life Ins. Co. v. Waddell & Reed, Inc., 360 F.3d 960, 967 (9th Cir. 2004)
- Geographic Expeditions, Inc. v. Estate of Lhotka, 599 F.3d 1102, 1107 (9th Cir. 2010)
- Geographic Expeditions, 599 F.3d at 1106–07
- ARCO Envtl. Remediation, LLC v. Dep’t of Health & Envtl. 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)
- Valdez, 372 F.3d at 1117
- Canela v. Costco Wholesale Corp., 971 F.3d 845, 850 (9th Cir. 2020)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 THE VUE ON SEAMIST, LLC, No. 2:25-cv-00996-DAD-CSK (UD) (PS)
12 Plaintiff, 13 v. ORDER SUA SPONTE REMANDING CASE TO SACRAMENTO COUNTY
SUPERIOR 14 SCHIRELLE ROBERTSON, COURT AND DENYING MOTION TO PROCEED
IN FORMA PAUPERIS AS MOOT 15 Defendant. (Doc. No. 2) 16 17 18 This is an unlawful
detainer action brought under California state law by plaintiff The Vue 19 on Seamist, LLC. On
April 2, 2025, defendant, proceeding pro se, removed this case to this 20 federal court from the
Sacramento County Superior Court and filed a motion to proceed in forma 21 pauperis.

(Doc. Nos. 1, 2.) 22 A district court has “a duty to establish subject matter jurisdiction over the
removed action 23 sua sponte, whether the parties raised the issue or not.” *United Investors Life
Ins. Co. v. Waddell 24 & Reed, Inc.*, 360 F.3d 960, 967 (9th Cir. 2004).

The removal statute, 28 U.S.C. § 1441, is 25 strictly construed against removal jurisdiction.
Geographic Expeditions, Inc. v. Estate of Lhotka, 26 599 F.3d 1102, 1107 (9th Cir. 2010). It is
presumed that a case lies outside the limited 27 jurisdiction of the federal courts, and the burden of
establishing the contrary rests upon the party 28 asserting jurisdiction.

Geographic Expeditions, 599 F.3d at 1106–07. In addition, “the existence 1 of federal jurisdiction
depends solely on the plaintiff’s claims for relief and not on anticipated 2 defenses to those
claims.” *ARCO Env’tl. Remediation, LLC v. Dep’t of Health & Env’tl. Quality*, 3 213 F.3d 1108,
1113 (9th Cir. 2000). “The strong presumption against removal jurisdiction” 4 means that “the
court resolves all ambiguity in favor of remand to state court.” *Hunter v. Philip 5 Morris USA*, 582
F.3d 1039, 1042 (9th Cir.

2009). That is, federal jurisdiction over a removed 6 case “must be rejected if there is any doubt as
to the right of removal in the first instance.” 7 *Geographic Expeditions*, 599 F.3d at 1107. “If at
any time prior to judgment it appears that the 8 district court lacks subject matter jurisdiction, the
case shall be remanded.” 28 U.S.C. § 1447(c); 9 *Gibson v. Chrysler Corp.*, 261 F.3d 927, 932 (9th
Cir.

2001). Remand under 28 U.S.C. § 1447(c) 10 “is mandatory, not discretionary.” *Bruns v. NCUA*,
122 F.3d 1251, 1257 (9th Cir. 1997); see also 11 *California ex. rel. Lockyer v. Dynegy, Inc.*, 375
F.3d 831, 838 (9th Cir. 2004). Where it appears, 12 as it does here, that the district court lacks
subject matter jurisdiction over a removed case, “the 13 case shall be remanded.” 28 U.S.C. §
1447(c).

14 “The presence or absence of federal question jurisdiction is governed by the ‘well-pleaded 15
complaint rule,’ which provides that federal jurisdiction exists only when a federal question is 16
presented on the face of the plaintiff’s properly pleaded complaint.” *California v. United States*, 17
215 F.3d 1005, 1014 (9th Cir. 2000); see also *Dynegy*, 375 F.3d at 838.

Under the well-pleaded 18 complaint rule, courts look to what “necessarily appears in the plaintiff’s statement of his own 19 claim in the bill or declaration, unaided by anything in anticipation of avoidance of defenses 20 which it is thought the defendant may interpose.” California, 215 F.3d at 1014.

Accordingly, “a 21 case may not be removed on the basis of a federal defense... even if the defense is anticipated in 22 the plaintiff’s complaint and both parties concede that the federal defense is the only question 23 truly at issue.” *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987); see also *Vaden v. 24 Discover Bank*, 556 U.S. 49, 70 (2009) (“It does not suffice to show that a federal question lurks 25 somewhere inside the parties’ controversy, or that a defense or counterclaim would arise under 26 federal law.”).

27 Here, defendant has not shown that removal of this action to this federal court is 28 appropriate. The removal notice does not provide clarity as to the exact allegations appearing in 1 the complaint. (Doc. No. 1 at 1–2.) Defendant’s exhibits attached to her notice of removal are 2 similarly unavailing since they consist only of: (1) what appears to be a March 20, 2025 3 stipulated judgment from the Sacramento County Superior Court resolving the unlawful detainer 4 action brought by plaintiff against defendant; and (2) what appears to be a notice of the filing of 5 plaintiff’s unlawful detainer complaint against defendant on January 27, 2025 in the Sacramento 6 County Superior Court.

(Doc. No. 1-1.) Although defendant appears to allege that the state 7 action and the underlying complaint reflect “violations against the civil and constitutional rights” 8 of defendant which gives “independent rise to federal subject-matter jurisdiction,” the complaint 9 is not before the court. (Doc. No. 1 at 1.)

Because the court has no basis upon which to 10 determine whether federal question jurisdiction exists “on the face of the plaintiff’s properly 11 pleaded complaint,” defendant has failed to properly invoke this court’s federal question 12 jurisdiction. California, 215 F.3d at 1014. 13 Further, even though defendant does not invoke diversity jurisdiction, the court notes that, 14 because the state court complaint is not before the court and the notice of removal does not 15 contain allegations regarding diversity or the amount in controversy, the court cannot determine 16 whether the parties are diverse or whether it is “facially evident from the complaint that more 17 than \$75,000 is in controversy.” *Valdez*, 372 F.3d at 1117.

The court thus concludes that 18 defendant has not alleged the minimum amount-in-controversy or diversity of citizenship required 19 to establish diversity jurisdiction either. See *Canela v. Costco Wholesale Corp.*, 971 F.3d 845, 20 850 (9th Cir. 2020). 21 Accordingly, remand of this case to the Sacramento County Superior Court is appropriate 22 and mandatory.

28 U.S.C. § 1447(c); Geographic Expeditions, 559 F.3d at 1107; Bruns, 122 23 F.3d at 1257. 24
Accordingly, 25 1. This action is REMANDED forthwith to the Sacramento County Superior
Court, 26 pursuant to 28 U.S.C. § 1447(c), for lack of subject matter jurisdiction; 27 2. ///// 28 3.
///// 1 4. Defendant's motion to proceed in forma pauperis (Doc. No. 2) is denied as having 2 been
rendered moot by this order; and 3 5.

The Clerk of the Court is directed to CLOSE this case. 4 IT IS SO ORDERED. > | Dated: _ April
3, 2025 Dab A. 2, sxe 6 DALE A. DROZD 5 UNITED STATES DISTRICT JUDGE 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28