

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PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown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)