

**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

OPINION

(UD)(PS) The Vue on Seamist, LLC v. Robertson

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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

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