

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Chen v. Stuetzel

Chen · No. 25-cv-04187-NC · Decided May 19, 2025

SUMMARY

The United States District Court for the Northern District of California ordered self-represented defendant Ezra Stuetzel to show cause regarding his removal of an eviction action from Santa Clara County Superior Court. The court required a written statement or revised notice of removal, copies of the state-court filings, information establishing timely removal, and facts supporting federal subject matter jurisdiction. The court warned that failure to comply could result in remand and permitted plaintiff Hanlu Chen to respond.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Nathanael M. Cousins
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 19, 2025
DOCKET	25-cv-04187-NC
DISPOSITION	other
PROCEDURAL POSTURE	Defendant removed an eviction action from Santa Clara County Superior Court and filed a notice of removal. The federal district court issued an order to show cause requiring Defendant to explain why removal was timely and why federal subject matter jurisdiction exists.
PRECEDENTIAL VALUE	Unpublished federal district court order; limited precedential value.
PARTIES	Ezra Stuetzel v. Hanlu Chen

TOPICS

- subject matter jurisdiction
- pleadings
- eviction
- civil procedure

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- removal

QUESTIONS PRESENTED

1. Whether the notice of removal complied with 28 U.S.C. § 1446(a) by including the required state-court process, pleadings, and orders.
2. Whether the removal was timely under 28 U.S.C. § 1446(b), given the absence of information establishing when Defendant received or was served with the initial pleading.
3. Whether the federal court had original subject matter jurisdiction under 28 U.S.C. §§ 1331 or 1332.
4. Whether federal question jurisdiction could be established by federal-law defenses or counterclaims rather than by claims appearing on the face of the plaintiff's properly pleaded complaint.

HOLDINGS

1. A defendant removing a civil action must file a notice of removal containing a short and plain statement of the grounds for removal together with copies of all process, pleadings, and orders served in the state-court action.
2. A removing defendant must provide sufficient information for the court to determine whether removal occurred within the statutory removal period, including the date the defendant received or was served with the initial pleading.
3. Federal question jurisdiction exists only when a federal question appears on the face of the plaintiff's properly pleaded complaint; an actual or anticipated federal defense or counterclaim cannot establish federal-question jurisdiction.
4. A civil action may be removed to federal court only if the federal court would have original subject matter jurisdiction over the action, including under federal-question or diversity jurisdiction.

KEY QUOTATIONS

“federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” (at 2)

“Federal jurisdiction cannot be predicated on an actual or anticipated defense . . . [nor] upon an actual or anticipated counterclaim.” (at 2)

FACTUAL BACKGROUND

The underlying case is an eviction action initiated by Hanlu Chen in Santa Clara County Superior Court. Ezra Stuetzel removed the action to federal court, asserting that the case necessarily involved the Americans with Disabilities Act and the Fair Housing Act. His notice did not include the state-court complaint, answer, or other required filings and did not clearly state when he was served.

PROCEDURAL HISTORY

Hanlu Chen initiated an eviction action in Santa Clara County Superior Court. Ezra Stuetzel, proceeding without counsel, removed the action to the Northern District of California. The notice of removal omitted the state-court pleadings and other required filings and did not clearly establish the service date or a basis for federal

jurisdiction. The court ordered Stuetzel to file a written statement or revised notice of removal by June 9, 2025, warning that failure to do so may result in remand.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendant must file a written statement or revised notice of removal by June 9, 2025, addressing the missing state-court filings, the timeliness of removal, and the basis for federal subject matter jurisdiction. Failure to do so may result in remand to state court. Plaintiff may respond by June 16, 2025.

CASES CITED

- Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Valden v. Discover Bank, 556 U.S. 49, 60 (2009)

OPINION

Chen v. Stuetzel

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 10 HANLU CHEN, Case No. 25-cv-04187-NC 11 Plaintiff, ORDER TO SHOW CAUSE AS

12 TO NOTICE OF REMOVAL

v. 13 Re: ECF 1

EZRA STUETZEL,

14 Defendant. 15

16 17 Self-represented Defendant Ezra Stuetzel filed a notice of removal for an eviction 18 action initiated in Santa Clara County Superior Court. ECF 1. The notice of removal lacks 19 required information, without which the Court cannot ascertain whether removal to federal 20 court is proper. 21 First, a defendant removing a civil action from state court to federal court must file 22 a notice of removal “containing a short and plain statement of the grounds for removal, 23 together with a copy of all process, pleadings, and orders served upon such defendant or 24 defendants in such action.” 28 U.S.C. § 1446(a). Stuetzel’s notice of removal does not 25 attach the filings from state court, including Plaintiff Hanlu Chen’s complaint and any 26 answer filed by Stuetzel. 27 Second, without the state court filings, the Court cannot determine whether 1 days of their receipt of the initial complaint through service or service of summons. 28 2 U.S.C. § 1446(b)(1). It is not clear from Stuetzel’s notice of removal what day he was 3 served with summons or the complaint in state court. 4 Lastly, the Court cannot confirm whether it has subject matter jurisdiction over

this 5 matter without additional information and the state court filings. A civil case may be 6 removed to federal court only if the federal court would have original subject matter 7 jurisdiction over the case. 28 U.S.C. § 1441(a). A federal court can have original subject 8 matter jurisdiction based on either (1) federal question jurisdiction or (2) diversity 9 jurisdiction. 28 U.S.C. §§ 1331, 1332. Federal question jurisdiction exists for “all civil 10 actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. 11 § 1331. Diversity jurisdiction requires that parties are citizens of different states and the 12 amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a). Stuetzel’s notice of 13 removal asserts that the Court has federal question jurisdiction over this matter because the 14 case necessarily involves two federal laws—the Americans with Disabilities Act and the 15 Fair Housing Act. ECF 1 at 2. But it is not clear if Chen’s complaint brings claims under 16 these laws, or whether Stuetzel invokes these laws in, for example, an answer or 17 counterclaim to the complaint. The latter are not sufficient to establish federal question 18 jurisdiction: “federal jurisdiction exists only when a federal question is presented on the 19 face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 20 386, 392 (1987); see *Valden v. Discover Bank*, 556 U.S. 49, 60 (2009) (“Federal 21 jurisdiction cannot be predicated on an actual or anticipated defense . . . [nor] upon an 22 actual or anticipated counterclaim.”). 23 As a result, Stuetzel must file a written statement or revised notice of removal by

24 June 9, 2025, addressing these issues and providing the filings from state court to show 25 that removal of this action is timely, and that the Court has subject matter jurisdiction. 26 Failure to do so may result in remand of this action to state court. Stuetzel should be 27 aware that “[a]n order remanding the case may require payment of just costs and any 1 |} § 1447(c). 2 Plaintiff Chen may file a response to Stuetzel’s statement or revised notice of 3 removal by June 16, 2025, if they so choose. 4 IT IS SO ORDERED. 5 6 || Dated: May 19, 2025 h—eo—— _ NATHANAEL M. COUSINS

7 United States Magistrate Judge 8 9 10 11 12 13 14 15 16 o 17 19 20 21 22 23 24 25 26 27 28