

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Chen v. Stuetzel

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

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