

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

DJ Mobile, LLC v. Andre Murphy

No. 2:25-cv-03579-DJC-JDP, United States District Court for the Eastern District of California (December 12,
2025)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DJ MOBILE, LLC, No. 2:25-cv-03579-DJC-JDP 12 Plaintiff, 13 v. ORDER
14 ANDRE MURPHY, 15 Defendant. 16 17 This is an unlawful detainer action brought under
California state law by Plaintiff 18 DJ Mobile, LLC against Defendant Andre Murphy.

On Thursday, December 11, 2025, 19 Defendant filed a Notice of Removal in federal court,
seeking to remove this action 20 from Sacramento County Superior Court. (Notice of Removal
(ECF No. 1).) 21 A district court has “a duty to establish subject matter jurisdiction over the 22
removed action sua sponte, whether the parties raised the issue or not.” United 23 Investors Life
Ins.

Co. v. Waddell & Reed, Inc., 360 F.3d 960, 967 (9th Cir. 2004). The 24 removal statute, 28 U.S.C.
§ 1441, is strictly construed against removal jurisdiction. 25 Geographic Expeditions, Inc. v.
Estate of Lhotka, 599 F.3d 1102, 1107 (9th Cir. 2010); 26 Provincial Gov’t of Marinduque v.
Placer Dome, Inc., 582 F.3d 1083, 1087 (9th Cir. 27 2009). It is presumed that a case lies outside
the limited jurisdiction of the federal 28 courts, and the burden of establishing the contrary rests
upon the party asserting 1 jurisdiction.

Geographic Expeditions, 599 F.3d at 1106–07; Hunter v. Philip Morris 2 USA, 582 F.3d 1039,
1042 (9th Cir. 2009). In addition, “the existence of federal 3 jurisdiction depends solely on the
plaintiff’s claims for relief and not on anticipated 4 defenses to those claims.” ARCO Env’tl.
Remediation, LLC v. Dep’t of Health & Env’tl. 5 Quality, 213 F.3d 1108, 1113 (9th Cir.

2000). “The strong presumption against 6 removal jurisdiction” means that “the court resolves all
ambiguity in favor of remand to 7 state court.” Hunter, 582 F.3d at 1042; Gaus v. Miles, Inc., 980
F.2d 564, 566 (9th Cir. 8 1992). That is, federal jurisdiction over a removed case “must be rejected
if there is 9 any doubt as to the right of removal in the first instance.” Geographic Expeditions, 10
599 F.3d at 1107; Duncan v. Stuetzle, 76 F.3d 1480, 1485 (9th Cir.

1996); Gaus, 980 11 F.2d at 566. “If at any time before final judgment it appears that the district
court lacks 12 subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c); see

13 Gibson v. Chrysler Corp., 261 F.3d 927, 932 (9th Cir. 2001). Remand under 28 U.S.C. 14 § 1447(c) “is mandatory, not discretionary.” *Bruns v. NCUA*, 122 F.3d 1251, 1257 (9th Cir.

1997); see also *California ex. rel. Lockyer v. Dynegy, Inc.*, 375 F.3d 831, 838 (9th Cir. 2004).
17 Defendant suggests that removal is proper based on the basis of federal 18 question jurisdiction. (Notice of Removal at 2–3.) Defendant states that removal is 19 proper because “Defendant is an Indigenous American and asserts civil rights 20 guaranteed under federal law, including equal protection and due process.” (Id. at 2.)

21 Defendant later states that federal question jurisdiction is appropriate based on 22 “federal constitutional protections, civil rights enforcement, [and] improper 23 deprivation of rights under color of state law[.]” (Id. at 3.) “The presence or absence 24 of federal question jurisdiction is governed by the ‘well-pleaded complaint rule,’ 25 which provides that federal jurisdiction exists only when a federal question is 26 presented on the face of the plaintiff’s properly pleaded complaint.” *California v. 27 United States*, 215 F.3d 1005, 1014 (9th Cir.

2000) (citation omitted) (quoting *Audette 28 v. Int. Longshoremen's & Warehousemen's Union*, 195 F.3d 1107, 1111 (9th Cir. 1 1999)); see also *Dynegy*, 375 F.3d at 838; *Duncan*, 76 F.3d at 1485. Under the well- 2 pleaded complaint rule, courts look to what “necessarily appears in the plaintiff’s 3 statement of his or her own claim in the bill or declaration, unaided by anything in 4 alleged anticipation of avoidance of defenses which it is thought the defendant may 5 interpose.” *California*, 215 F.3d at 1014 (cleaned up).

Accordingly, “a case may not 6 be removed to federal court on the basis of a federal defense... even if the defense is 7 anticipated in the plaintiff’s complaint, and even if both parties concede that the 8 federal defense is the only question truly at issue.” *Caterpillar, Inc. v. Williams*, 482 9 U.S. 386, 393 (1987); *Wayne v. DHL Worldwide Express*, 294 F.3d 1179, 1183 (9th Cir.

10 2002); see also *Vaden v. Discover Bank*, 556 U.S. 49, 70 (2009) (“It does not suffice to 11 show that a federal question lurks somewhere inside the parties’ controversy, or that a 12 defense or counterclaim would arise under federal law.”). 13 Here, Defendant has not shown that removal of this action to this federal court 14 is appropriate. Plaintiff’s Complaint is a straightforward unlawful detainer action that is 15 based entirely on state law.

A federal claim is not raised in the complaint. (Notice of 16 Removal at 10–13.) “[F]ederal jurisdiction exists only when a federal question is 17 presented on the face of the plaintiff’s properly pleaded complaint.” *California*, 215 18 F.3d at 1014.

The cause of action brought by Plaintiff here is plainly based on state 19 law. Defendant’s reliance on federal law in defending against Plaintiff’s state law 20 claims does not suffice to confer jurisdiction on this Court because the defensive 21 invocation of federal law cannot form the basis

of this Court’s jurisdiction. See *Vaden*, 22 556 U.S. at 70; *Caterpillar*, 482 U.S. at 392; *Wayne*, 294 F.3d at 1183; *California*, 215 23 F.3d at 1014.

Because there is no federal question appearing in Plaintiff’s Complaint 24 in this case, removal on the basis of federal question jurisdiction is improper. 25 In a list entitled “issues presented involve” under the header “Federal Question 26 Jurisdiction” Defendant’s Notice of Removal also includes the bullet point “diversity of 27 citizenship.” (Notice of Removal at 2–3.)

It is unclear if this is an invocation of diversity 28 jurisdiction under 28 U.S.C. § 1332. Even if it is, removal would still be improper 1 based on this basis. Even assuming that the parties are residents of different states, 2 the Court only has diversity jurisdiction under section 1332 where the amount in 3 controversy in the action exceeds \$75,000.

In determining the amount in controversy, 4 courts first look to the complaint. *Ibarra v. Manheim Inv., Inc.*, 775 F.3d 1193, 1197 5 (9th Cir. 2015). Generally, “the sum claimed by the plaintiff controls if the claim is 6 apparently made in good faith.” *Id.* (quoting *St. Paul Mercury Indem. Co. v. Red Cab 7 Co.*, 303 U.S. 283, 289 (1938)). Defendant, as the removing party, has failed to 8 establish by a preponderance of the evidence that the amount in controversy 9 exceeded the jurisdictional threshold at the time of removal.

See *Canela*, 971 F.3d at 10 849 (quoting *Sanchez v. Monumental Life Ins.*, 102 F.3d 398, 404 (9th Cir. 1996)). 11 Plaintiff’s Complaint seeks \$5585.00 in unpaid rent¹ (Notice of Removal at 12.) This 12 amount falls well below the \$75,000 amount in controversy requirement.

Thus, 13 Defendant has failed to establish that this Court has diversity jurisdiction both due to a 14 lack of complete diversity and the amount in controversy. See *Canela*, 971 F.3d at 15 850. 16 Because there is no federal question appearing in Plaintiff’s Complaint and 17 because the amount in controversy requirements for diversity jurisdiction is not 18 satisfied, Defendant has failed to properly invoke this Court’s jurisdiction.

Remand to 19 the Sacramento County Superior Court is therefore appropriate and mandatory. 28 20 U.S.C. § 1447(c); *Konrad v. Williams*, 2021 WL 3159811 (E.D. Cal. June 2, 2021) 21 (remanding an unlawful detainer action to state court where the defendant claimed 22 the action involved the Fair Housing Act but no such claim was raised in the 23 complaint.) 24 //// 25 //// 26 //// 27 1 The Court also notes that the unlawful detainer action is filed as a limited action that does not exceed 28 \$35,000.

(Notice of Removal at 10.) 1 Accordingly, the Court hereby REMANDS this case to Sacramento County 2 | Superior Court for all future proceedings. 3 A IT IS SO ORDERED. 5 | Dated: _December 12, 2025 “Daniel A CoD tto— Hon. Daniel alabretta 6 UNITED STATES DISTRICT JUDGE 7 8 | DUCT -dimobile25ev03579.unlawiuldetainer 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

