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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLIFF'S NEW MARINA,
Plaintiff,
v.
FAITH C. ARCHULETA,
Defendant.

No. 2:24-cv-00126-DJC-KJN PS

ORDER

This is an unlawful detainer action brought under California state law by Plaintiff Cliff's New Marina against Defendant Faith C. Archuleta. On Wednesday, January 10, 2024, Defendant filed a Notice of Removal in federal court, seeking to remove the action from Sacramento County Superior Court. (Notice of Removal (ECF No. 1).)

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." *United Investors Life Ins. Co. v. Waddell & Reed, Inc.*, 360 F.3d 960, 967 (9th Cir. 2004). The removal statute, 28 U.S.C. § 1441, is strictly construed against removal jurisdiction. *Geographic Expeditions, Inc. v. Estate of Lhotka*, 599 F.3d 1102, 1107 (9th Cir. 2010); *Provincial Gov't of Marinduque v. Placer Dome, Inc.*, 582 F.3d 1083, 1087 (9th Cir. 2009). It is presumed that a case lies outside the limited jurisdiction of the federal 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 Envtl. Remediation, LLC v. Dep’t of Health & Envtl.*
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 prior to 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
15 Cir. 1997); see also *California ex. rel. Lockyer v. Dynegy, Inc.*, 375 F.3d 831, 838 (9th
16 Cir. 2004).

17 “The presence or absence of federal question jurisdiction is governed by the
18 ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when
19 a federal question is presented on the face of the plaintiff’s properly pleaded
20 complaint.” *California v. United States*, 215 F.3d 1005, 1014 (9th Cir. 2000) (citation
21 omitted) (quoting *Audette v. International Longshoremen’s & Warehousemen’s Union*,
22 195 F.3d 1107, 1111 (9th Cir. 1999)); see also *Dynegy*, 375 F.3d at 838; *Duncan*, 76
23 F.3d at 1485. Under the well-pleaded complaint rule, courts look to what “necessarily
24 appears in the plaintiff’s statement of his own claim in the bill or declaration, unaided
25 by anything in anticipation of avoidance of defenses which it is thought the defendant
26 may interpose.” *California*, 215 F.3d at 1014. Accordingly, “a case may not be
27 removed on the basis of a federal defense . . . even if the defense is anticipated in the
28 plaintiff’s complaint and both parties concede that the federal defense is the only

1 question truly at issue." *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987); *Wayne v.*
2 *DHL Worldwide Express*, 294 F.3d 1179, 1183 (9th Cir. 2002); see also *Vaden v.*
3 *Discover Bank*, 556 U.S. 49, 70 (2009) ("It does not suffice to show that a federal
4 question lurks somewhere inside the parties' controversy, or that a defense or
5 counterclaim, or that a defense or counterclaim would arise under federal law.").

6 Here, Defendant has not shown that removal of this action to this Court is
7 appropriate based on the presence of a federal question. Defendant's removal notice
8 claims that there is federal question jurisdiction as the Court has jurisdiction over this
9 action under maritime law. (See Notice of Removal at 4-5.) A review of the complaint
10 filed in state court shows that Plaintiff did not raise a federal claim in that complaint
11 therein. (Notice of Removal at 9-24.) Plaintiff's complaint is a straightforward unlawful
12 detainer action that is based entirely on state law. "[F]ederal jurisdiction exists only
13 when a federal question is presented on the face of the plaintiff's properly pleaded
14 complaint." *California*, 215 F.3d at 1014. Defendant claims that the action in question
15 involves a "floating house" and that thus maritime law is necessarily implicated by the
16 complaint as the property "is located on the water" of the Sacramento River. (Notice
17 of Removal at 5.) Contrary to Defendant's contention, the Complaint makes no
18 reference to a boat, houseboat, or any property that is "on the water" and instead
19 alleges unlawful detainer of real property located at River Road, Slip No. C-4,
20 Sacramento, California 95832. See *Butler v. Clarendon Am. Ins. Co.*, 494 F. Supp. 2d
21 1112, 1135-36 (N.D. Cal. 2007) (citing *Smith v. Mun. Ct.*, 202 Cal. App. 3d 685, 689
22 (1988) and stating that a party had "real property interests" in the slip at a harbor); see
23 also *Smith*, 202 Cal. App. 3d at 689 (stating that a "leasehold interest in his boat slip" is
24 subject to an unlawful detainer action as it is real property). Moreover, the Complaint
25 only includes an unlawful detainer claim; there is no claim brought under maritime
26 law. (See Notice of Removal at 9-24.) As such, there is no federal question presented
27 on the face of the Plaintiff's complaint and thus federal jurisdiction does not exist in
28 this action. See *California*, 215 F.3d at 1014.

1 Accordingly, the Court hereby REMANDS this case to Sacramento County
2 Superior Court for all future proceedings. This order resolves all pending motions.

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5 IT IS SO ORDERED.

6 Dated: January 11, 2024


7 Hon. Daniel J. Calabretta
8 UNITED STATES DISTRICT JUDGE

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