

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
MATTHEW S. McCONNELL, Cal Bar No. 209672
3 RICHARD M. FREEMAN, Cal Bar No. 61178
LUKE J. BICKEL, Cal Bar No. 341210
4 12275 El Camino Real, Suite 100
San Diego, CA 92130-4092
5 Telephone: 858.720.8900
Facsimile: 858.509.3691
6 E-mail: mmccconnell@sheppardmullin.com
rfreeman@sheppardmullin.com
7 lbickel@sheppardmullin.com

8 Attorneys for Defendants
D&L Real Estate Enterprises, LLC and
9 Danlon, Inc

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

In the Matter of:
WILLIAM ULYSSES McGLAMARY,
II,
Plaintiff,
vs.
D&L REAL ESTATE ENTERPRISES,
LLC and Danlon, Inc.
Defendants.

Case No. 5:25-cv-01411
**NOTICE OF REMOVAL OF
ACTION TO FEDERAL COURT**
(Riverside County Superior Court Case
Number CVPS2502958)
Action Filed: May 9, 2025
Trial Date: None Set

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT,**
2 **CENTRAL DISTRICT OF CALIFORNIA:**

3 **PLEASE TAKE NOTICE** that Defendants D&L Real Estate Enterprises,
4 LLC (“D&L”) and Danlon, Inc. (“Danlon,” and collectively, “Defendants”) in the
5 above titled action, hereby remove this action from the Superior Court for the State
6 of California for the County of Riverside to the United States District Court for the
7 Central District of California pursuant to 28 U.S.C. §§ 1330, 1331, 1441, and 1446.

8 **I. FILING AND SERVICE**

9 1. On May 9, 2025, Plaintiff William McGlamary, II (“Plaintiff”)
10 commenced an action in the Superior Court of the State of California for the County
11 of Riverside, Case Number CVPS2502958, by filing a “Request for Comity;
12 Application for Recognition and Enforcement of ACBCI Tribal Court Judgment and
13 for the Issuance of a Writ of Possession,” entitled “*In the Matter of: William*
14 *Ulysses McGlamary, II v. D&L Real Estate Enterprises, LLC. and Danlon, Inc.*”
15 (the “Application”).

16 2. Defendants received a copy of the Summons and Application on May
17 9, 2025. True and correct copies of the Summons and Application, and all other
18 served documents, are attached hereto as **Exhibit “A”**. As of the filing of this
19 Notice of Removal, all documents filed in the Superior Court of the State of
20 California for the County of Riverside, Case Number CVPS2502958, include: (1)
21 the Application (**Exhibit “A”**); Civil Case Cover Sheet (**Exhibit “B”**); Certificate
22 of Counsel (**Exhibit “C”**); Notice of Hearing on Other Petition (\$10,000 and Under)
23 of WILLIAM ULYSSES MCGLAMARY, II (**Exhibit “D”**); and Notice of
24 Department Assignment (**Exhibit “E”**). Defendants have not yet responded to the
25 Application.

26 **II. THIS COURT HAS FEDERAL QUESTION JURISDICTION**

27 3. The attempt by Plaintiff to obtain state court recognition and
28 enforcement of an Agua Caliente Band of Cahuilla Indians (“ACBCI”) Tribal Court

1 judgment for unlawful detainer against a non-Native American lessee of a Bureau of
2 Indian Affairs (“BIA”) leased allotment land squarely raises a federal question
3 sufficient for removal under 28 U.S.C. § 1331 and § 1441(a). Thus, this Court has
4 original and exclusive jurisdiction over disputes concerning the right to possession
5 and use of trust or restricted Indian allotment lands, especially when brought by or
6 against non-Indians. Correspondingly, the state court lacks subject matter
7 jurisdiction over such disputes, making any claim for comity and enforcement of a
8 tribal judgment removable as a matter arising under federal law.

9 **A. Possessory Claims of Indian Allotment Land, Including**
10 **Enforcement of Judgments, Present a Federal Question**

11 4. As a threshold matter, federal courts recognize that “actions seeking
12 enforcement of tribal judgments turned on a substantial issue of federal law because
13 of the federal government’s unique relationship with Indian tribes.” *Coeur d’Alene*
14 *Tribe v. Hawks*, 933 F.3d 1052, 1057 (9th Cir. 2019).

15 5. The gravamen of Plaintiff’s Application in state court is not merely to
16 enforce a judgment, but to obtain a state court order, including a writ of possession,
17 which would effectuate the leasehold and possession of a BIA lessee. Federal law is
18 clear:

19 All persons who are in whole or in part of Indian blood or descent who
20 are entitled to an allotment of land under any law of Congress, or who
21 claim to be so entitled to land under any allotment Act or under any
22 grant made by Congress, or who claim to have been unlawfully denied
23 or excluded from any allotment or any parcel of land to which they
24 claim to be lawfully entitled by virtue of any Act of Congress, may
25 commence and prosecute or defend any action, suit, or proceeding in
26 relation to their right thereto **in the proper circuit court [district
27 court] of the United States; and said circuit courts [district courts]
28 are given jurisdiction to try and determine any action, suit, or
proceeding** arising within their respective jurisdictions involving the
right of any person, in whole or in part of Indian blood or descent, to
any allotment of land under any law or treaty. . .

25 U.S.C. §415 (emphasis added). Therefore, disputes regarding the right to land
allotments under federal law are explicitly within the purview of federal courts. If
the tribal judgment concerns the validity or enforcement of a BIA-approved lease,

1 and therefore the land allotment or trust land rights, federal courts have jurisdiction
2 to resolve the substantive federal question as to the proper scope or cancellation of
3 that lease.

4 6. Furthermore, 25 U.S.C. § 415, which governs the leasing of Indian
5 lands, requires that leases are approved, regulated, and cancelled by federal entities
6 like the BIA. 25 U.S.C. § 415(a). Thus, a state court action that attempts to enforce
7 or set aside a tribal court judgment canceling a BIA lease inevitably requires
8 interpretation and application of this federal statutory framework. Other federal
9 statutes, including the 25 U.S.C. §§ 331 et seq. (the “Indian General Allotment
10 Act”), 25 U.S.C. § 415 (governing BIA leases on allotted land), 28 U.S.C. § 1331,
11 and 28 U.S.C. § 1362, together establish that federal courts have subject matter
12 jurisdiction over these possessory actions and disputes involving rights to
13 possession, use, or title of Indian allotment lands.

14 7. The Supreme Court held claims involving the rights to possess or
15 control land traditionally held in trust for Indian tribes are matters governed by
16 federal law. *Oneida Indian Nation v. County of Oneida*, 414 U.S. 661, 666-68
17 (1974). Putting it plainly, the court stated:

18 “the case was essentially a possessory action, we are of the view that
19 the complaint asserted a current right to possession conferred by federal
20 law, **wholly independent of state law**. The threshold allegation
21 required of such a well-pleaded complaint -- the right to possession --
22 was plainly enough alleged to be based on federal law. The federal law
23 issue, therefore, did not arise solely in anticipation of a defense.
24 **Moreover, we think that the basis for petitioners’ assertion that they had a federal right to possession governed wholly by federal law cannot be said to be so insubstantial, implausible, foreclosed by prior decisions of this Court, or otherwise completely devoid of merit as not to involve a federal controversy within the jurisdiction of the District Court**, whatever may be the ultimate resolution of the federal issues on the merits.”

25 *Id.* (emphasis added). Because Indian title, which is rooted in treaties with the
26 United States, federal statutes, and the longstanding federal trust responsibility, is a
27 federal question, the dispute must be adjudicated in a federal forum rather than by a
28 state court. Thus, state courts are precluded from deciding these disputes because

1 doing so would potentially result in a reallocation of power inconsistent with the
2 federal trust relationship. *See United States v. Mottaz*, 476 U.S. 834, 845 (1986)
3 (explaining “federal courts may have general subject-matter jurisdiction over claims
4 to quiet title to allotments brought by Indians”); *Grable & Sons Metal Prods., Inc. v.*
5 *Darue Eng’g & Mfg.*, 545 U.S. 308, 315-16 (2005) (federal jurisdiction exists where
6 claim necessarily depends on substantial federal question).

7 8. In seeking comity and enforcement of the tribal court’s judgment for
8 possession, Plaintiff is necessarily asking the state court to approve, validate, and
9 execute a judgment which purports to dispose of a possessory interest in Indian trust
10 land—a matter expressly reserved to federal law. *See Williams v. Lee*, 358 U.S. 217,
11 223 (1959) (explaining states cannot “undermine” or “infringe” the rights of
12 possession arising under federal law in Indian country). This falls well within a
13 federal question ripe for removal.

14 9. Therefore, because the rights and obligations at issue arise under
15 federal law, federal question jurisdiction is triggered, making removal under 28
16 U.S.C. § 1441(a) appropriate.

17 **B. The Superior Court Already Held It Does Not Have Jurisdiction**
18 **Over This Matter**

19 10. Central to Plaintiff’s Application is a request that the Superior Court of
20 California, County of Riverside, recognize and enforce a tribal court’s judgment for
21 the possession of allotted land held in trust and leased through the BIA to a non-
22 Indian. The question before the state court, therefore, is not simply one of judgment
23 enforcement, but touches upon exclusive federal statutes and regulations that
24 circumscribe the use and possession of Indian allotted land, particularly where a
25 non-Indian lessee is involved

26 11. Plaintiff already unsuccessfully attempted to pursue this matter through
27 the Superior Court of California, County of Riverside. [**Exhibit “G”**] (Complaint in
28 *William U. McGlamary, II v. D&L Rel Estate Investments, LLC*, Case No,

1 UDPS23011189, filed October 20, 2023.] However, the attached state court order
2 clarifies the Superior Court of California, County of Riverside, dismissed the action,
3 “Due to Lack of Subject Matter Jurisdiction.”¹ [Exhibit “H” (Order dismissing
4 *William U. McGlamary, II v. D&L Rel Estate Investments, LLC*, Case No,
5 UDPS23011189, entered May 8, 2024).] The court’s decision was based on a
6 Superior Court of California, County of Riverside Appellate Division *per curiam*
7 opinion in *Fisher v. Moscato*, Case No. APR12300056 [Exhibit “I”], citing
8 multiple published California Appellate Court decisions for the explanation that
9 state courts lack jurisdiction over possession disputes and unlawful detainer actions
10 involving Indian trust land, even when a non-Indian tenant is at issue. *See Boisclair*
11 *v. Superior Court*, 51 Cal.3d 1140, 1152-53 (1990); *Inland Casino Corp. v. Superior*
12 *Court*, 8 Cal.App.4th 770, 777-78 (1992).

13 12. In *Boisclair*, the court recognized that “[m]ost Indian lands are owned
14 by the United States and held in trust for the benefit of Indians. . .” and “these are
15 statutes that forbid the alienation of Indian tribal property without approval by the
16 federal government.” 51 Cal.3d at 1148. Therefore, the court held, “[t]he federal
17 government’s relationship to Indians and their land is not only exclusive but
18 fiduciary. Courts have held the United States, as trustee of Indian property, to the
19 obligation of acting in the Indians’ best interest.” *Id.* at 1149. Furthermore, “[t]he
20 United States Supreme Court has specified that Indian property law is one area in
21 which the ‘complete preemption doctrine’ is applicable.” *Id.* at 1156 (citing
22 *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 393 (1987)). For this reason, “[a]s long
23 as the Indian party to the litigation claims that the property is Indian trust or allotted
24 land, the dispute may be characterized as one concerning ownership and possession
25 of Indian land, and is therefore barred from state court jurisdiction.” *Id.* at 1154.

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28 ¹ Notably, the ACBCI did not exist at the time of this Order.

1 13. Whether or not a default judgment entered by a tribal court can be
2 enforced is a question of federal law. *Coeur d’Alene, supra*, 933 F.3d at 1056
3 (“because ‘federal law defines the outer boundaries of an Indian tribe’s power over
4 non-Indians,’ (citation), the question of ‘**whether a tribal court has adjudicative
5 authority over nonmembers is a federal question.**’”) (quoting *National Farmers
6 Union Ins. Cos. v. Crow Tribe*, 471 U.S. 845, 845 (1985)). In *National Farmers
7 Union Ins. Cos.*, a tribal court entered a default judgment against a school district.
8 471 U.S. at 847. The district then sued in federal court to block enforcement of that
9 judgment, arguing the tribal court lacked jurisdiction. *Id.* The Supreme Court ruled
10 that the district’s “right to be protected against an unlawful exercise of [a tribe’s]
11 judicial power” raised a federal question, because resolving that right necessarily
12 required applying federal law that limits tribal authority. *Id.* at 851-53.

13 14. The relief sought in state court will necessarily require the state court to
14 determine the validity of the tribal court’s judgment, the scope of tribal and state
15 court authority over BIA allotment land, and to address whether enforcement would
16 infringe on exclusive federal jurisdiction and the federal trust responsibility over
17 Indian land. The state court, by granting such recognition or issuing a writ of
18 possession, would become the forum executing a “removal” of a non-Indian from
19 BIA-leased land—despite the state court’s own finding that federal law preempts its
20 jurisdiction.

21 15. Therefore this is a federal question jurisdiction, and removal is
22 appropriate.

23 **C. Conclusion**

24 16. For the above reasons, Plaintiff’s petition for comity and enforcement
25 of the tribal court judgment for possession of BIA-leased allotment land presents a
26 federal question within the original and exclusive jurisdiction of the federal courts.
27 Any state court attempt to enforce a tribal judgment for possession against a non-
28 Indian lessee of BIA trust land not only arises under federal law, but risks intruding

1 upon exclusive federal authority and the principles confirmed by Supreme Court and
2 28 U.S.C. §§ 1331, 1362, 1441 and 1446. Thus, removal is proper, and this Court
3 should exercise jurisdiction over the action.

4 **III. SUPPLEMENTAL JURISDICTION**

5 17. Under 28 U.S.C. § 1367(a):

6 Except as provided in subsections (b) and (c) or as expressly provided
7 otherwise by Federal statute, in any civil action of which the district
8 courts have original jurisdiction, the district courts shall have
9 supplemental jurisdiction over all other claims that are so related to
10 claims in the action within such original jurisdiction that they form part
of the same case or controversy under Article III of the United States
Constitution. Such supplemental jurisdiction shall include claims that
involve the joinder or intervention of additional parties.

11 18. To the extent the Court concludes it lacks original jurisdiction over this
12 matter, it should exercise supplemental jurisdiction over such claims pursuant to 28
13 U.S.C. § 1367(a), since Plaintiff’s action necessarily emanates from the enforcement
14 of a judgment regarding the possession rights of tribal property for which this Court
15 has original jurisdiction. Therefore, considerations of convenience, judicial
16 economy, and fairness to the litigants strongly favor this Court exercising
17 jurisdiction over this action. *See Executive Software v. U.S. Dist. Court*, 24 F.3d
18 1545, 1557 (9th Cir. 1994) (“the exercise of discretion, of course, still is informed
19 by. . . the values of ‘economy, convenience, fairness, and comity.’”); *see also Wang*
20 *v. Chinese Daily News*, 623 F.3d 743, 762 (9th Cir. 2010) (“Economy and fairness
21 concerns therefore weigh heavily in favor of the district court’s retention of
22 jurisdiction.”).

23 **IV. THIS NOTICE OF REMOVAL IS TIMELY AND PROPERLY FILED**

24 19. The filing of this Notice of Removal is filed within the time period
25 required under 28 U.S.C. § 1446(a). Defendants are filing this Notice of Removal
26 within thirty (30) days after May 9, 2025, the date of service of the Application.
27 Therefore, it has been filed within the time period mandated by 28 U.S.C. § 1446(b).

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1 *Murphy Bros., Ins. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 348-56 (1999)
2 (holding the 30-day removal deadline is triggered by service of the complaint).

3 **V. JOINDER**

4 20. Both Defendants are represented by counsel listed in the caption.
5 Pursuant to 28 U.S.C. § 1441, both Defendants join in and consent to the removal of
6 this action. To Defendants' knowledge, no other defendant has been named or
7 served. *See Salveson v. Western States Bankcard Ass'n*, 731 F.2d 1423, 1429 (9th
8 Cir. 1984) (defendant need not join in or consent to the notice of removal if the
9 nonjoining defendant has not been served with process in the state action at the time
10 the notice of removal is filed.).

11 21. There are no other defendants to join or consent in the removal of this
12 action. *See* 28 U.S.C. 1441(b). Therefore, all procedural requirements for notice
13 under 28 U.S.C. § 1446 have been followed and satisfied.

14 **VI. VENUE**

15 22. Venue is proper in this Court because the action is being removed from
16 the Superior Court in the County of Riverside. 28 U.S.C. § 84(c) and § 1391.

17 **VII. NOTICE TO PLAINTIFF AND SUPERIOR COURT FOR THE**
18 **COUNTY OF RIVERSIDE**

19 23. In accordance with 28 U.S.C. § 1446(d), the undersigned counsel will
20 give written notice of the filing of this Notice of Removal, along with all supporting
21 pleadings, to all adverse parties and will file a copy of this Notice of Removal
22 within the clerk of the Superior Court of California, County of Riverside, as further
23 required by that Section. Notice will also be provided to interested parties, James
24 Hudson, Bureau of Indian Affairs, Agua Caliente Band of Cahuilla Indians Tribal
25 Court, Estate of Georgiana McGlamary, Angel C. Valdez, and Joy A. Valdez.

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1 **VIII. CERTIFICATE OF INTERESTED PARTIES AND CORPORATE**
2 **DISCLOSURE STATEMENT**

3 24. As required by Federal Rule of Civil Procedure 7.1 and Local Rule 7.1-
4 1, Defendants concurrently filed their Certificate of Interested Parties and Corporate
5 Disclosure Statement.

6 **IX. COPIES OF ALL STATE COURT FILINGS**

7 25. In compliance with 28 U.S.C. § 1446(a), true and correct copies of all
8 “process, pleadings, and orders” from the state court action served on Defendant or
9 filed by Defendant are attached hereto as **Exhibits A-E**, and the Case Docket is
10 attached as **Exhibit F**. Defendants have yet to file responsive pleading.

11 26. The undersigned counsel for Defendant has read the foregoing and
12 signs the Notice of Removal pursuant to Rule 11 of the Federal Rules of Civil
13 Procedure, as required by 28 U.S.C. § 1446(a).

14
15 **WHEREFORE**, having provided notice as is required by law, and pursuant
16 to 28 U.S.C. §§ 1330, 1331, 1441, and 1446, Defendants respectfully removes this
17 action from the Superior Court of California, County of Riverside, to the United
18 States District Court for the Central District of California for the reasons set forth
19 above.

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CERTIFICATE OF SERVICE

McGlamary v. D&L Real Estate Enterprises, LLC, et al.

Case No. 5:25-cv-01411

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Diego, State of . My business address is 12275 El Camino Real, Suite 100, San Diego, CA 92130-4092.

On June 6, 2025, I served true copies of the following document(s) described as **NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT** on the interested parties in this action as follows:

David E. Jacobs
LAW OFFICES OF DAVID EARL JACOBS
441 S Calle Encilia, Suite 1
Palm Springs, California 92262
deilaw@yahoo.com

Attorneys for Plaintiff
William Ulysses McGlamary, II

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address hbaeza-rivas@sheppardmullin.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 6, 2025, at San Diego, California.

Heidi Baeza-Rivas
Heidi Baeza-Rivas