

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON

C.P., a minor by and through)	
his mother and next friend,)	
Dawn Marie Mohon,)	Civil No. 5: 16-361-JMH
)	
Plaintiff,)	
)	
V.)	MEMORANDUM OPINION & ORDER
)	
KENTUCKY HIGH SCHOOL)	
ATHLETICS ASSOCIATION,)	
)	
Defendants.)	

*** *** *** ***

This matter is before the Court upon its own motion. In his Complaint, Plaintiff C.P. avers that the Kentucky High School Athletics Association ("KHSAA") has wrongfully determined that he is ineligible to play interscholastic sports as a transfer student because his transfer from the Warren Central High School District to the Greenwood High School District, both in Bowling Green, Kentucky, was not due to a bona fide change in residence as that term is understood in the KHSAA's Bylaw 6. In his Complaint, he claims that the KHSAA ruling is arbitrary and capricious and, thus, a violation of his rights under Section 2 of the Kentucky Constitution.

Defendant removed the case to this Court under 28 U.S.C. §§ 1441 and 1446 as a civil action of which this Court would have

original jurisdiction under 28 U.S.C. § 1331. Section 1331 provides that the district courts "shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." It is only in his Ex Parte Motion for Temporary Injunction that C.P. states that he "has alleged that the actions of KHSAA were arbitrary and capricious and in violation of his constitutional right to due process guaranteed by both the state and federal constitutions and Section 2 of the Kentucky Constitution." Plaintiff's Complaint was not amended and, thus, the Court does not have original jurisdiction of this matter as a case arising under the Constitution of the United States. It has been, if anything, prematurely removed.

Accordingly, upon the Court's own motion, this matter is **REMANDED** to the Fayette Circuit Court in the absence of jurisdiction to consider the matter further.

This the 20th day of September, 2016.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge