

(a) A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

28 U.S.C. § 1446(a). On the basis of this clear statutory language, the federal courts unanimously hold that the statute authorizes removal only by state-court defendants. *See, e.g., Chicago, R.I. & P.R. Co. v. Stude*, 346 U.S. 574, 579-580 (1954). Consequently, it is black-letter law that a plaintiff cannot remove. *See* 14C CHARLES ALAN WRIGHT, ARTHUR R. MILLER, & EDWARD H. COOPER: FEDERAL PRACTICE & PROCEDURE § 3731 at 253 (3d ed. 1998).

After review of the state-court records in each of the five removed cases, this court concludes that Travis Turner, III is the plaintiff in each case and that each case was therefore removed in violation of law. Indeed, the purported notice of removal states no grounds for removal and is patently deficient on its face. The court concludes that the moving defendants are entitled to an order of remand. Furthermore, the court concludes that the other three removed matters should also be remanded, *sua sponte*. This court clearly lacks removal jurisdiction over any of the removed cases. The need for expedition in remand is apparent, as defendants' motion indicates that these matters are before the Kent County Circuit Court for hearing on dispositive motions on Friday, November 4, 2005. Apparently, plaintiff chose the device of an improper removal in order to forestall the state court's consideration of defendants' pending dispositive motions. In light of this fact, this court will not make itself a party to a patent obstruction of the orderly process of the state circuit court. Accordingly:

IT IS ORDERED that the captioned case, and all state-court actions purportedly removed herein, be and they hereby are REMANDED to the Kent County Circuit Court for all further proceedings, the court finding that these actions were removed improvidently and without jurisdiction.

Date: November 2, 2005

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE