

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**FRANKLIN COUNTY MUNICIPAL
COURT, et al.,**

Plaintiffs,

v.

**Case No. 2:13-cv-154
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth Preston-Deavers**

SHAHID AZAD KAMAL EL,

Defendant.

OPINION AND ORDER

Defendant Shahid Azad Kamal El was arrested under the name Phillip D. Walden II, in Franklin County, Ohio on January 6, 2013, for assault and domestic violence, Case No. 2013 CR B 000522. On February 20, 2013, Defendant, proceeding without the assistance of counsel, removed this criminal matter from the Franklin County Ohio, Municipal Court to this Court.

It is unclear upon what basis Defendant relied to remove this action. In his removal documents, Defendant presents a section on jurisdiction wherein he quotes Article III of the United States Constitution and “The Treaty of Peace and Friendship of 1836 A.D. between Morocco and the United States.” (Doc. No. 1 at 2.) The notice of remand and the exhibits attached to it are simply incomprehensible, citing at length to the Articles of Confederation, statutes passed in the 1800s, Executive Orders, “the Moorish Divine and National Movement of the World,” and myriad case law. Defendant makes statements such as “The Franklin County Municipal Court is an unconstitutional, private corporation, not delegated by Congress,” and “Indigenous People have the right to full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations”

Even construing Defendant's pleadings liberally and holding them to a less stringent standard than formal pleadings drafted by lawyers, *Haines v. Kerner*, 404 U.S. 519, 520–21(1972), the Court concludes that it lacks subject matter jurisdiction over Defendant's removed criminal case. See 28 U.S.C. §§ 1441 *et seq*; *Ohio v. Williams*, 705 F.2d 458 (6th Cir. 1982) (affirming denial of removal petition in criminal case). “Federal courts are courts of limited jurisdiction.” *Rasul v. Bush*, 542 U.S. 466, 489 (2004) (quoting *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994)). “The basic statutory grants of federal court subject- matter jurisdiction are contained in 28 U.S.C. § 1331, which provides for ‘[f]ederal-question’ jurisdiction, and § 1332, which provides for ‘[d]iversity of citizenship’ jurisdiction.” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 501 (2006).

Accordingly, the Court **REMANDS** this action to the Franklin County Municipal Court.

IT IS SO ORDERED.

3-1-2013
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE