

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

FRANK M. WILSON, P.C., and )  
FRANK M. WILSON, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
LITTLE MEYERS, LTD., )  
et al., )  
 )  
Defendants. )

CIVIL ACTION NO.  
2:14cv704-MHT  
(WO)

OPINION AND ORDER

This lawsuit, which was removed from state to federal court based on diversity-of-citizenship jurisdiction, 28 U.S.C. §§ 1332, 1441, is now before the court on plaintiffs' motion to remand. The court agrees with plaintiffs that this case should be remanded to state court. The court agrees with plaintiffs that there has been neither fraudulent joinder, Coker v. Amoco Oil Co., 709 F.2d 1433, 1440 (11th Cir. 1983); Cabalceta v. Standard Fruit Co., 883 F.2d 1553, 1561 (11th Cir. 1989), nor fraudulent misjoinder, Tapscott v. MS Dealer Service

Corp., 77 F.3d 1353, 1360 (11th Cir. 1996). Also, the court cannot say that there is not any arguable basis for keeping the resident defendant as a defendant.

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Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court that plaintiffs' motion to remand (Doc. No. 19) is granted and that, pursuant to 28 U.S.C. § 1447(c), this cause is remanded to the Circuit Court of Bullock County, Alabama.

It is further ORDERED that any and all other pending motions are left for disposition by the state court after remand.

The clerk of the court is DIRECTED to take appropriate steps to effect the remand.

This case is closed in this court.

DONE, this the 25th day of September, 2014.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE

