

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

MELVIN LEWIS SEALEY,)
)
 Plaintiff,)
)
 v.)
)
 BRANCH BANKING AND TRUST)
 COMPANY,)
)
 Defendant.)

CIVIL ACTION NO.
2:17cv785-MHT
(WO)

OPINION AND ORDER

Plaintiff brought this action in state court claiming a property deed was void. Defendant removed the case to federal court asserting that the court has diversity jurisdiction over the case, see 28 U.S.C. § 1332, and brought a counterclaim against plaintiff. The court has since granted defendant's motion for summary judgment on all of plaintiff's claims, but defendant's counterclaim remains pending. Noting that the property dispute that was the basis for jurisdiction had been resolved, the United States

Magistrate Judge ordered defendant to show cause as to why the court should not exercise its discretion to remand the case to state court, pursuant to 28 U.S.C. § 1367(c)(3). See Order (doc. no. 40). Defendant responded that it consents to remand of this action to state court. See Consent to Remand (doc. no. 41). The court therefore declines to exercise jurisdiction over the remaining claims. The court assumes that plaintiff does not oppose remand because he previously moved to remand this case to state court. See Motion to Remand (doc. no. 6).

Accordingly, it is ORDERED that this cause is remanded to the Circuit Court of Crenshaw County, Alabama.

All pending motions are left for resolution by the state court.

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 March, 2020.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE