

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

DOUGLAS EVERETT WALKER, as )  
Administrator of the Estate of Kelli A. Wise, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ERIC L. MILES, )  
 )  
Defendant. )

CIV. ACT. NO. 2:21-cv-250-ECM  
(WO)

**MEMORANDUM OPINION AND ORDER**

Now pending before this Court is the Plaintiff’s Motion to Remand (doc. 5) and the parties’ Joint Motion to Remand (doc. 27).<sup>1</sup> Plaintiff Douglas Walker (“Walker”) filed this action in the Circuit Court of Montgomery County, Alabama on March 16, 2021, alleging claims of fraud and conversion against defendant Eric Mills (“Miles”). (Doc. 1-1).

On March 26, 2021, the Defendant removed the case to this Court solely on the basis of diversity of citizenship jurisdiction. *See* 28 U.S.C. § 1441 and 28 U.S.C. § 1332. A defendant may remove to federal court any civil action over which the court would have original jurisdiction. 28 U.S.C. § 1441(a). This Court has jurisdiction over actions involving citizens of different states provided that all plaintiffs are diverse from all defendants, *see Strawbridge v. Curtiss*, 7 U.S. 267 (1806), and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(b).

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<sup>1</sup> Also pending before the Court is the Plaintiff’s motion for preliminary injunction and motion for expedited discovery. Because the Court is remanding the case, it leaves resolution of these motions to the Circuit Court of Montgomery County, Alabama.

On March 29, 2021, the Plaintiff filed a motion to remand (doc. 5), and on May 5, 2021, the parties filed a joint motion for remand (doc. 27). The parties represent to the Court that they have reached a settlement of all claims, and request the Court remand the case to the Circuit Court of Montgomery County, Alabama, to effectuate the settlement.

Based on the representation of counsel, and for good cause, it is

ORDERED that the Plaintiff's motion to remand (doc. 5) and the parties' joint motion to remand (doc. 27) are GRANTED and this case is REMANDED to the Circuit Court of Montgomery County, Alabama.

The Clerk of the Court is DIRECTED to take all steps necessary to effectuate remand to the Circuit Court of Montgomery County, Alabama.

DONE this 5th day of May, 2021.

/s/ Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE