

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

ALMA ROBINSON

PLAINTIFF

v.

2:11-CV-00221-BRW

**CMH HOMES, INC., d/b/a
CLAYTON HOMES OF JONESBORO,
ARKANSAS**

DEFENDANT

ORDER

Pending is Plaintiff's Motion to Remand to State Court (Doc. No. 3) Defendant has not responded and the time for doing so has passed.¹ For the reasons set out below, Plaintiff's Motion is GRANTED.

On October 25, 2011, Plaintiff sued Defendant, a Tennessee corporation, in the Circuit Court of Lee County, Arkansas.² Plaintiff seeks \$3,572 in compensatory damages for past medical expenses, plus \$50,000 as compensatory damages for future medical expenses, pain, suffering, and mental anguish.³

Defendant removed this case on November 30, 2011 based on diversity jurisdiction.⁴ District courts have diversity jurisdiction when the case is between citizens of different States and the amount in controversy exceeds the sum of \$75,000.⁵ Plaintiff asks that this case be

¹A response was due by December 22, 2011.

²Doc. No. 2.

³*Id.*

⁴Doc. No. 1.

⁵28 U.S.C. § 1332(a).

remanded to state court because the amount in controversy is less than \$75,000.⁶ Plaintiff seeks damages of only \$53,572, and Defendant has not shown otherwise. Accordingly, Plaintiff's Motion is GRANTED and this case is REMANDED under 28 U.S.C. § 1447(c) to the Circuit Court of Lee County, Arkansas.

IT IS SO ORDERED this 23rd day of December, 2011

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

⁶Doc. No. 3.