

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

**CHARLES J. GARDNER  
Special Administrator of Estates  
of Valeta J Stratton & Henry Bishop  
Stratton Jr, Deceased**

**PLAINTIFF**

**v. 3:11CV00100-BRW**

**HEALTHSOUTH CORPORATION  
d/b/a Healthsouth Rehabilitation Hospital  
of Jonesboro**

**DEFENDANT**

**ORDER**

Pending is Plaintiff's Motion to Remand to State Court (Doc. No. 5). Defendant has responded.<sup>1</sup> For the reasons discussed below, Plaintiff's motion is GRANTED.

This court lacks federal question jurisdiction under 28 U.S.C. § 1331. The inclusion of a claim under the Medical Recovery Act<sup>2</sup> ("MRA") in the complaint does not raise federal question jurisdiction. The MRA permits the government to intervene or join an action brought by an injured person or the estate of decedent against a third-party to recover any money paid by the government for medical treatment. Although the MRA allows the government to enforce its rights in a federal forum, it does not follow that this permits private defendants to remove an action from state court to federal court based on federal question jurisdiction.<sup>3</sup>

As Plaintiff has withdrawn his request for fees and costs, I need not authorize such an award.

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<sup>1</sup>Doc. No. 7.

<sup>2</sup>42 U.S.C. §§ 2651–2653.

<sup>3</sup>*Cutts v. Braun Corp.*, 970 F.Supp 562, 563 (N.D. Miss 1997).

Plaintiff's Motion to Remand to State Court (Doc. No. 5) is GRANTED.

Accordingly, this action is hereby remanded to the Circuit Court for the Western District of Craighead County, Arkansas.

IT IS SO ORDERED this 21<sup>st</sup> day of July 2011.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE