

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

OLETHA GOLATT

PLAINTIFF

v.

NO. 4:11CV00875 JLH

FOREMOST HOME IMPROVEMENT, INC., et al.

DEFENDANTS

ORDER

Oletha Golatt commenced this action in the Circuit Court of Pulaski County. He now has filed a notice of removal of the captioned matter from the Circuit Court of Pulaski County. Golatt has attached to the notice of removal some or all of the pleadings and orders from the Circuit Court of Pulaski County. One of the attachments is an order dated May 26, 2011, dismissing the action without prejudice.

This action must be remanded for four reasons. First, because the state court action has been dismissed, there is no case for Golatt to remove. Second, the complaint alleges causes of action that arise under state law rather than federal law and that all of the parties are citizens of the State of Arkansas, so this Court has neither diversity of citizenship nor federal question jurisdiction. *See* 28 U.S.C. §§ 1331 and 1332. Third, Golatt was the plaintiff and therefore cannot remove this action to federal court because the removal statutes provide for defendants, not plaintiffs, to remove actions to federal court. *See* 28 U.S.C. §§ 1441(a) and 1446(a); *Guttman v. Silverberg*, 374 F. Supp. 2d 991, 993 (D.N.M. 2005). Fourth, federal district courts may not exercise appellate review of state court judgments, which is what Golatt is asking this Court to do. *See Skit Intern., Ltd. v. DAC Technologies of Arkansas, Inc.*, 487 F.3d 1154, 1156-57 (8th Cir. 2007).

This Court lacks jurisdiction. Therefore, this action is remanded to the Circuit Court of Pulaski County, Arkansas.

IT IS SO ORDERED this 12th day of December, 2011.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE