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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

MELANIE KIMREY HODGE PLAINTIFF

VS. CASE NO. 1:12-cv-1097

SOUTHERN FARM BUREAU
CASUALTY INSURANCE COMPANY DEFENDANT

ORDER

Before the Court is Plaintiff Melanie Kimrey Hodge's Motion to Remand. (ECF No. 7). Plaintiff seeks to have this case remanded to the Circuit Court of Ashley County, Arkansas pursuant to 28 U.S.C. § 1446(b). Defendant has not responded to Plaintiff's motion, and the time for doing so has passed. Local Rule 7.2(b). The matter is ripe for the Court's consideration.

On August 6, 2012, Plaintiff filed this action in the Circuit Court of Ashley County, Arkansas. On August 9, 2012, Defendant was served with a copy of the summons and complaint. On September 14, 2012, Defendant filed a Notice of Removal (ECF No. 1) in this Court on grounds of diversity of citizenship under 28 U.S.C. 1446(c). Because Defendant has removed the case beyond the time allowed under section 1446, it must be remanded.

Section 1446(b) states that "[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based...." Here, Defendant filed its notice of removal approximately 35 days after being served with a copy of the complaint. Therefore, removal was improper.

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Accordingly, the Court finds that Plaintiff's Motion to Remand (ECF No. 7) should be and hereby is **GRANTED**, and the case is remanded to the Circuit Court of Ashley County, Arkansas for further proceedings.

IT IS SO ORDERED, this 7th day of December, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge