

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

SAMUEL B. TUCKER, JR.,	:	CIVIL ACTION NO.
Plaintiff,	:	3:11-cv-1104 (JCH)
	:	
v.	:	
	:	
MATTHEW H. GREENE, et al.,	:	DECEMBER 30, 2011
Defendants.	:	

**RULING RE: DEFENDANTS' MOTIONS TO REMAND TO STATE COURT  
(DOC. NOS. 18 & 21)**

On July 12, 2011, the plaintiff, Samuel B. Tucker, Jr., removed this case to federal court from the Superior Court for the State of Connecticut. See Notice of Removal (Doc No. 1). Defendants Matthew H. Greene and the Law Offices of Sandy M. Moore, LLC, have moved to remand the case to state court. See Doc. Nos. 18, 21. The defendants argue that, pursuant to 28 U.S.C. § 1441, only a defendant may remove a civil action from state court to federal court. Greene Mem. in Supp. (Doc. No. 18-1) at 1; Moore Mem. In Supp. (Doc. No. 21-1) at 1. The court agrees. See Yonkers Racing Corp. v. City of Yonkers, 858 F.2d 855, 863 (2d Cir. 1988) ("Quite simply, a party who is in the position of a plaintiff cannot remove."). Accordingly, the court finds that it is without jurisdiction to hear this case, and the Motions to Remand (Doc. Nos. 18, 21) are granted.

**SO ORDERED.**

Dated at Bridgeport, Connecticut, this 30<sup>th</sup> day of December, 2011.

/s/ Janet C. Hall  
 Janet C. Hall  
 United States District Judge