

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

**BRANCH BANKING & TRUST CO.,
a North Carolina banking corporation,
as successor in interest to Colonial Bank
by asset acquisition from the FDIC
as receiver for Colonial Bank,**

Plaintiff,

vs.

CASE NO. 3:11-cv-110/RS-EMT

**T. HENRY DEVELOPMENT CO., L.L.C.,
a Florida limited liability company; and
THOMAS HENRY,**

Defendants.

ORDER

Before me is Defendants' Motion to Remand (Doc. 21) and Plaintiff's Opposition to Defendants' Motion to Remand (Doc. 22).

The ability to remand an action is premised on the action having been previously removed from state court to federal court. *See* 28 U.S.C. § 1447. Remand is to "send a case or claim back to the court or tribunal from which it came for some further action . . . *Cf.* Removal." BLACK'S LAW DICTIONARY 1071 (Abridged 8th ed. 2005).

Here, this case was initiated in this court and did not originate elsewhere. Because jurisdiction is proper, *See* Doc. 20, the case will remain in federal court.

Defendant's Motion to Remand (Doc. 21) is **DENIED**.

ORDERED on May 11, 2011.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE