

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 12-62353-Civ-SCOLA

WELLS FARGO BANK, N.A.,

Plaintiff,

vs.

JORGE BARBOSA,

Defendant.

ORDER REMANDING CASE

THIS MATTER is before the Court on Defendant Jorge Barbosa's "Motion For Civil [Contempt]/Enforcement To Stop An [Illegal] Eviction," (ECF No. 1). It appears from the Civil Cover Sheet (ECF No. 1-1), that Barbosa is attempting to remove his pending state court action to this Court. Accordingly, this Court has construed Barbosa's filing as a notice of removal. Barbosa appears to be asserting that his state court action should be removed to federal court because his federal constitutional rights have been violated by the state court judge. Although not completely clear, it seems that Barbosa is seeking a stay of his eviction proceedings which are pending in state court.

A defendant or defendants desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

28 U.S.C. § 1446(a) (2006).

Here, Barbosa's notice of removal fails to provide a short and plain statement of the grounds for removal. Based on Barbosa's filings, it is not clear that this Court has jurisdiction over this matter, or that this matter is otherwise subject to removal. Additionally, under

traditional abstention doctrines, federal courts generally avoid interfering with ongoing state court judicial proceedings. *See, e.g., Shapiro v. Ingram*, 207 F. App'x 938 (11th Cir. 2006).

For these reasons, it is **ORDERED** that this matter is **REMANDED**, and the Clerk shall **CLOSE** this case. The Clerk shall take all necessary steps to ensure the prompt remand of this action and transfer this file back to the Circuit Court for the Seventeenth Judicial Circuit in and for Broward County, Florida. Relatedly, Barbosa's application to proceed without prepaying fees or costs (ECF No. 3) is **DENIED**, because the application is not signed.

DONE and ORDERED in chambers, at Miami, Florida, on November 29, 2012.



ROBERT N. SCOLA, JR.
UNITED STATES DISTRICT JUDGE

Copies to:

Jorge Barbosa, *pro se*