

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

AURORA LOAN SERVICES,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-463 (MTT)
)	
WANDA E. LAWSON)	
)	
Defendant.)	
_____)	

ORDER

This matter is before the Court on the Defendant’s Notice of Removal. (Doc. 1). As far as the Court is able to determine, a foreclosure action was filed against the Defendant by Aurora Loan Services, LLC (“ALS”) in the Superior Court of Putnam County. The superior court entered an order on November 8, 2012, against the Defendant granting a writ of possession to ALS.

This Court does not have subject matter jurisdiction over ALS’s state law foreclosure action. Although the Defendant asserts that ALS has violated 15 U.S.C. § 1692 and the Due Process Clause of the Fourteenth Amendment, federal jurisdiction is based upon the face of the Plaintiff’s complaint, and “a counterclaim . . . cannot serve as the basis for ‘arising under’ jurisdiction.” *Holmes Grp., Inc. v. Vornado Air Circulation Sys., Inc.*, 535 U.S. 826, 831 (2002). Moreover, the case was not properly removed because the Defendant, presumably a resident of Georgia, cannot remove a Georgia state court case in which she is the defendant. 28 U.S.C. § 1441(b).

Accordingly, this case is not properly before the Court, and this action is
REMANDED.

SO ORDERED, this the 11th day of April, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT