

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

RICHARD HAYWOOD,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:16-CV-513 (MTT)
)	
WAL-MART STORES EAST LP,)	
)	
Defendant.)	
)	

ORDER

Plaintiff Richard Haywood originally filed this complaint in the State Court of Houston County on January 14, 2016 against Wal-Mart Stores East, LP and the City of Warner Robins, Georgia. *Haywood v. Wal-Mart*, 5:16-cv-113 (MTT), Doc. 1-1 (M.D. Ga.). After removal by Wal-Mart, this Court remanded the case to the state court for lack of complete diversity because both Haywood and Warner Robins are citizens of Georgia. *Id.*, Doc. 16. However, on remand, Haywood stated he did not consider Houston County to be a defendant and that his claims were against Wal-Mart. Doc. 1-2 at 11-12. Accordingly, the state court dismissed Warner Robins as a party. Doc. 1-3 at 2. Within 30 days of that dismissal, and within one year of filing the complaint, Wal-Mart properly removed the case to this Court. See 28 U.S.C. § 1446(b)(1). Haywood now moves to remand and Wal-Mart has responded.¹ Docs. 3; 7.

Mirroring the language of this Court’s previous order to remand, Haywood’s motion relies solely on a lack of complete diversity due to Warner Robins’s citizenship.

¹ Haywood did not file a reply to Wal-Mart’s Response. However, in the interim, Wal-Mart has moved for partial summary judgment (Doc. 4) to which Haywood did respond. Doc. 11. In that Response, Haywood again demands the case be remanded but offers no additional legal arguments. *Id.* at 1.

See *generally* Doc. 3. However, Warner Robins was dismissed from this action on remand and is not considered for jurisdiction purposes. Thus, this case is properly before the Court pursuant to 28 U.S.C. § 1332: there is complete diversity of citizenship and the amount in controversy exceeds \$75,000. Docs. 1 at 2; 1-1 at 8, 12.

Accordingly, Haywood's motion to remand (Doc. 3) is **DENIED**.

SO ORDERED, this the 8th day of March, 2017.

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