

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

<p>CENIZO GROUP LLC,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p>v.</p> <p>CRAIG COGAN,</p> <p style="padding-left: 100px;">Defendant.</p> <hr style="width: 100%;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CIVIL ACTION NO. 5:17-CV-370 (MTT)</p>
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ORDER

Plaintiff Cenizo Group LLC filed a state law dispossessory action in the Magistrate Court of Houston County. *See generally* Doc. 1. Defendant attempts to remove this action, claiming that because Plaintiff refuses to address the bug infestation at his residence, his “rights . . . are clearly at stake.” *Id.* at 2. “The presence or absence of federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). Thus, “it is now settled law that a case may *not* be removed to federal court on the basis of a federal defense.” *Id.*

Here, Defendant purports to remove the action pursuant to the civil rights provision. Doc. 1 at 3. This amounts to a federal defense. Because Plaintiff’s ejectment claim arose out of property dispossession, there is no federal-question jurisdiction. Accordingly, this action is **REMANDED** to the Magistrate Court of Houston County. *See* 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”).

SO ORDERED, this 2nd day of October, 2017.

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