

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

**KENNETH JOHNSON, and
JACQUELYN JOHNSON,**

Plaintiffs,

v.

**LOWNDES COUNTY BOARD OF
EDUCATION, et al.,**

Defendants.

Civil Action No. 7:14-CV-158 (HL)

ORDER

On January 14, 2015, this Court held a hearing to address Defendants' Motion for a More Definite Statement (Doc. 3) as well as whether it should remand this action and a companion case, Kenneth Johnson, et al. v. Lowndes County Board of Education, et al., 7:13-cv-157 (hereinafter referred to as "the First Action"), to state court. Bafflingly, Plaintiffs have never moved to remand this case, but a *sua sponte* review of the complaint shows that this Court lacks subject matter jurisdiction over this action. Defendants' only basis for removing this case was their assertion that this action should be consolidated with the First Action, which they had earlier removed from state court, because both actions arose out of the same facts and largely involved the same parties. The complaint in this case does not allege any federal claims, but Defendants asked the Court to exercise supplemental jurisdiction over the state law claims. However, the

Court is not in a position to do so given that it has already remanded the First Action back to state court. There being no basis for federal subject matter jurisdiction, pursuant to 28 U.S.C. § 1447(c) this case is remanded to the Superior Court of Lowndes County, Georgia. Defendants' motion for a more definite statement is moot.

SO ORDERED, this the 28th day of January, 2015.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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