

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

ATC DEVELOPMENT,
d/b/a Vintage Creek Apartments,

Plaintiff,

v.

PATRICIA TUTT,

Defendant.

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CV 114-164

O R D E R

This cause comes before the Court on its own initiative. On August 5, 2014, Defendant Patricia Tutt ("Defendant") filed leave to remove a dispossessory proceeding from the Magistrate Court of Richmond County, Georgia. In violation of 28 U.S.C. § 1446(a), Defendant did not attach "a copy of all process, pleadings, and orders served," - in particular, the Complaint - from the underlying state court action. As both parties are proceeding *pro se*, however, the Court issued an Order on September 5, 2014 that directed Defendant to file an amended notice of removal to cure the aforementioned defects and to show cause why this case should not be remanded for lack of federal subject matter jurisdiction. (Doc. 5.) Defendant has not done so in the time allocated by the Court, and the Court thus remains unable to determine whether it has jurisdiction over this case.

It is well established that removal statutes are to be strictly construed against removal. Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 108 (1941); Burns v. Windsor Ins. Co., 31 F.3d 1092, 1094 (11th Cir. 1994). Consequently, all doubts about the propriety of removal should be resolved in favor of remand. King v. Gov't Emps. Ins. Co., No. 13-14794, 2014 WL 4357480, at *3 (11th Cir. Sept. 4, 2014) (citing Miedema v. Maytag Corp., 450 F.3d 1322, 1328-29 (11th Cir. 2006)).

As Defendant failed to demonstrate that this Court has subject matter jurisdiction over the Richmond County dispossession action, removal is improper. Therefore, this action is **REMANDED** to the Magistrate Court of Richmond County. The Clerk is **DIRECTED** to **TERMINATE** all deadlines and motions, and **CLOSE** this case.

ORDER ENTERED at Augusta, Georgia, this 22nd day of September, 2014.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA