

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MICHAEL G. HARROD,

Plaintiff,

v. 4:13-cv-63

CITY OF TYBEE ISLAND, GA,

Defendant.

ORDER

Before the Court are Michael G. Harrod's motions to remand this case back to the State Court of Chatham County. ECF Nos. 9; 20. For the reasons stated herein, Harrod's motions are **GRANTED**.

Harrod originally filed this action in the State Court of Chatham County on February 8, 2013. Because Harrod asserted claims under 42 U.S.C. §§ 1983 and 1988 along with his various state law claims, the City of Tybee Island removed the case to this Court based on federal question jurisdiction. Harrod then filed a motion to amend his complaint to remove any causes of action arising under federal law as well as any allegations related thereto. ECF No. 10.¹ This Court granted Harrod leave to amend his complaint. ECF No. 15.

On April 25, 2013, Harrod filed his amended complaint. ECF No. 16. Harrod now reasserts his motion to remand back to state court. ECF No. 20. Tybee "does not oppose [Harrod's] motion to remand but reserves the right to remove the case again if


¹ Harrod filed his first motion to remand contemporaneously with his motion to amend his complaint.

[Harrod] attempts to amend his complaint in state court to reassert or re-allege deferral claims." ECF No. 11. The Court has reviewed Harrod's amended complaint, and notes that it now asserts only state law claims. *Id.*

"[T]he plaintiff is the master of the complaint, free to avoid federal jurisdiction by pleading only state claims even where a federal claim is also available." *Hill v. BellSouth Telecomms., Inc.*, 364 F.3d 1308, 1314 (11th Cir. 2004). Harrod has done just that. Tybee does not oppose Harrod's motions, and the Court finds no reason to prevent Harrod from pursuing this course.

Accordingly, Harrod's motions to remand this case back to the State Court of Chatham County, ECF Nos. 9; 20, are **GRANTED**.

This 10 day of June, 2013.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA