

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CHRIS GRINDLING, #A0721079,)	CIV. NO. 14-00098 SOM/BMK
)	
Plaintiff,)	
)	ORDER OF REMAND
vs.)	
)	
BERT SAM FONG, et al.,)	
)	
Defendants.)	
)	

ORDER OF REMAND

Before the court is *pro se* Plaintiff Chris Grindling's "Notice of Removal," in which he seeks to remove his own prisoner civil rights complaint brought in the Circuit Court for the Second Circuit, State of Hawaii. See Compl., ECF No. 1-1. Plaintiff is incarcerated at the Maui Community Correctional Center ("MCCC").

Plaintiff is confused about the removal procedure. Title 28 of the United States Code, section 1441, *et. seq.*, governs the removal of an action from state to federal court. A defendant may remove an action brought in state court over which the United States District Court has original jurisdiction to federal court. 28 U.S.C. § 1441(a). Only defendants may remove a case, however. A party who initiates an action in state court does not have the right thereafter to remove the action to federal court. See 28 U.S.C. § 1441(a) (an action "may be removed by the defendant or the defendants"); *see also Chicago, R.I. & P.R. Co. v. Stude*, 346 U.S. 574, 580 (1954) ("Here the

railroad is the plaintiff under 28 U.S.C. s 1441(a), . . . and cannot remove"); *Thomas v. Advance Housing, Inc.*, 475 Fed. Appx. 405, 407 (3d Cir. Apr.3, 2012) ("plaintiffs cannot remove suits to federal court"); *Lawrence v. Sec'y of State*, 467 Fed. Appx. 523, 524 (7th Cir. May 3, 2012)("a plaintiff cannot remove his own case"). The removal process is inapplicable here because Plaintiff initiated this action in the state court.

This action is REMANDED to the Circuit Court of the Second Circuit, State of Hawaii, pursuant to 28 U.S.C. § 1447(c). The Clerk is DIRECTED to send a certified copy of this Order to the clerk of the Second Circuit Court, and to terminate this action.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, March 4, 2014.



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

Grindling v. Fong, et al., 1:14-cv-00098 SOM/BMK; J:\Denise's Draft
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