

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEUTSCHE BANK NATIONAL TRUST )  
COMPANY, *as Indenture Trustee of the Arch* )  
*Bay Asset-Baked Securities Trust 2010-2,* )

Plaintiff, )

v. )

LINDA R. CONNOR, GEORGE A. COLLINS )  
& SONS, INC., THE UNITED STATES OF )  
AMERICA, EUGENE CONNOR, )  
UNKNOWN HEIRS AND LEGATEES OF )  
LINDA R. CONNOR, and UNKNOWN )  
OWNERS AND NON-RECORD )  
CLAIMANTS, )

Defendants. )

Case No. 3:10-cv-859-DGW

**ORDER OF REMAND**

**WILKERSON, Magistrate Judge:**

On October 20, 2010, Arch Bay Holdings, LLC – Series 2009B, filed a foreclosure of mortgage action under the Illinois Mortgage Foreclosure Law, 735 ILCS 5/15-1501 et seq., against the above-named Defendants in the Circuit Court of St. Clair County, Illinois. After receiving the summons and a copy of the complaint on October 22, 2010, the United States of America removed the action to this Court on the basis of subject-matter jurisdiction under 28 U.S.C. §§ 1441(c), 1442(a), and 1444 on October 28, 2010 (Doc. 3).

Upon Plaintiff’s motions, the Clerk of Court entered default against Defendants Linda R. Connor and George A. Collins & Sons on July 25, 2011, and dismissed the Heirs and Legatees of Linda R. Connor and Unknown and Non-Record Claimants on August 22, 2011 (Docs. 39, 40, and 45). On September 23, 2011, the Court granted Plaintiff’s motions for default judgment against


Defendants Linda R. Connor and George A. Collins & Sons (Doc. 55). After that order was issued only two defendants remained in the action: the United States of America and Eugene Connor. On October 28, 2011, Plaintiff filed a Motion for Summary Judgment against the remaining defendants (Doc. 64). The United States of America filed a response to the motion conceding Plaintiff's entitlement to judgment of foreclosure (Doc. 65). Defendant Eugene Connor did not respond to the motion. The Court held a hearing on the motion on March 12, 2012 (Doc. 67). After reviewing the evidence and hearing testimony, the Court granted summary judgment (Doc. 68), dismissing the remaining defendants.

In light of the dismissal of the United States of America from the action, removal from state court on the basis of subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1441(c), 1442(a), and 1444, is no longer appropriate.

Therefore, based on all the foregoing,

**IT IS HEREBY ORDERED** that the remainder of this case is **REMANDED** to the Circuit Court of St. Clair County, Illinois, for all further proceedings. The Clerk of Court is **DIRECTED** to enter a Fed. R. Civ. P. 54(b) judgment accordingly.

**DATED: April 5, 2012**

  
**DONALD G. WILKERSON**  
**United States Magistrate Judge**