

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

DON E PROSSER,
Trustee of the Radar Land Trust,
No. 71-11, dated July 31, 1989,

Plaintiff,

v.

GLOBAL TOWER, LLC, dba
Global Tower Partners LLC,

Defendant.

Case No. 13-cv-200-DRH-SCW

MEMORANDUM & ORDER

HERNDON, Chief Judge:

Before the Court is defendant Global Tower, LLC, doing business as Global Tower Partners, LLC's (defendant) notice of withdrawal of objection to plaintiff's motion for voluntary dismissal and consent to remand (Doc. 23).

The Court previously directed defendant to correct the jurisdictional deficiencies contained within its notice of removal (Doc. 2), as the Court must determine it has subject matter jurisdiction over this case before it can enter a ruling as to plaintiff Prosser's motion for voluntary dismissal without prejudice (Doc. 16). The Court warned that it shall remand this action should defendant fail to meet its burden to demonstrate that subject matter jurisdiction exists (Doc.

22). Instead of providing adequate jurisdictional allegations, defendant has filed its notice stating it consents to remand (Doc. 23). As defendant has not demonstrated that subject matter jurisdiction exists over these claims, the Court **REMANDS** this entire action, of course including the pending motion for voluntary dismissal (Doc. 16), to the First Judicial Circuit of Union County, Illinois.

IT IS SO ORDERED.

Signed this 29th day of October, 2013.


David R.
Herndon
2013.10.29
13:12:13 -05'00'



**Chief Judge
United States District Court**