

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

|   |   |                 |
|---|---|-----------------|
| CHANSE T. STARR,                        | ) |                 |
|   | ) |                 |
| Plaintiff,                              | ) |                 |
|   | ) |                 |
| v.                                      | ) | No. 1:14 CV 236 |
|   | ) |                 |
| FORT WAYNE POLICE DEPT. <i>et al.</i> , | ) |                 |
|   | ) |                 |
| Defendants.                             | ) |                 |

OPINION and ORDER

Chanse T. Starr, a *pro se* prisoner, filed this case in an attempt to remove a state court case that he filed in the Allen Superior Court under cause number 02C01-1301-CT-5. “A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). Nevertheless, pursuant to 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

In the state court case, Starr is the plaintiff and he cannot remove a case that he himself filed, since removal applies to defendants. *See* 28 U.S.C. § 1441. “Almost 70 years ago, the Supreme Court concluded that a litigant who files suit in state court is a ‘plaintiff’ and cannot remove the case . . . .” *First Bank v. DJL Prop., LLC*, 598 F.3d 915, 916 (7th Cir. 2010). *See also Lawrence v. Sec’y of State*, 467 Fed. Appx. 523, 2012 WL 2153155

(7th Cir. May 3, 2012) (“[A] plaintiff cannot remove his own case.”). Because a plaintiff cannot remove his own case from state court to federal court, the filing of this proceeding was frivolous.

For the foregoing reasons, this case is **DISMISSED** pursuant to 28 U.S.C. § 1915A.

**SO ORDERED.**

Date: February 17, 2015

s/James T. Moody  
JUDGE JAMES T. MOODY  
UNITED STATES DISTRICT COURT