

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

BAC HOME LOANS SERVICING, LP,)
Plaintiff,)
vs.) 1:10-cv-940-WTL-DML
LEVELLE LOWERY a/k/a LAVELLE LOWERY,)
et al.,)
Defendants.)

ENTRY

“When a plaintiff files in state court a civil action over which the federal district courts would have original jurisdiction based on diversity of citizenship, the defendant or defendants may remove the action to federal court” *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996); see 28 U.S.C. § 1441. The removing party bears the burden of demonstrating removal was proper. *Schur v. L.A. Weight Loss Centers, Inc.* 577 F.3d. 752, 758 (7th Cir. 2009).

A plaintiff objecting to the removal may file a motion asking the district court to remand the case to state court. *Caterpillar*, 519 U.S. at 69. The plaintiff in this foreclosure action has filed such a motion. The burden therefore rests on the removing party—Lavelle Lowery—to demonstrate that removal was proper.

Lowery shall have **through November 16, 2010**, in which to demonstrate that removal was proper by establishing that this is a “civil action . . . of which the district courts of the United States have original jurisdiction.” 28 U.S.C. § 1441(a).

IT IS SO ORDERED.

Date: 11/01/2010



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

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