

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

BAC HOME LOANS SERVICING, LP,)
)
Plaintiff,)
)
v.) No. 1:10-cv-960-LJM-DML
)
)
JULE A. WAKLEY, et al.,)
)
Defendants.)

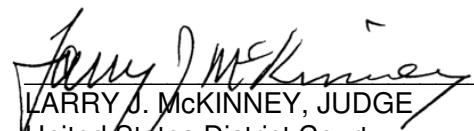
Entry Discussing Motion to Remand

This action has been removed to this court from the Marion Superior Court. However, a case can be removed to federal court “only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b). Here, defendants Julie and Victor Wakley reside in Indiana. Arguing that the Wakleys are citizens of Indiana and that this case is therefore not removable, the plaintiff has filed a motion to remand, which the Wakleys have not opposed. Accordingly, the court finds that the case was not removable and **grants** the motion to remand (dkt 11).

For these reasons, the Court hereby **REMANDS** this cause to the Marion County, Indiana, Superior Court, Civil Division. The costs are assessed against defendants Julie and Victor Wakely.

IT IS SO ORDERED.

Date: 11/04/2010



LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana