

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

NORMAN PAUL TRAHAN

CIVIL ACTION

VERSUS

NO: 13-6036

ENCORE FOOD SERVICES, LLC, et al.

SECTION: R(2)

ORDER AND REASONS

Before the Court is the defendants' motion to remand.¹ For the following reasons, the motion is GRANTED.

Plaintiff Norman Trahan filed this action in Louisiana state court against defendants Encore Food Services, LLC, Abdon Callais Offshore, LLC, Chevron Environmental Management Company, Inc., Chris Rhine, Matthew Talley, Richard Gray, Shannon Willis, Ron Holman, Brody Thibodeaux and John Breaux, Jr.² Subsequently, he removed the suit to this Court.³ The defendants move to remand.⁴ Trahan has filed no opposition to the defendants' motion.

Trahan's notice of removal was improper. Only defendants may remove suits from state to federal court. See *Chicago, R.I. & P.R. Co. v. Stude*, 346 U.S. 574, 580 (1954); 28 U.S.C. § 1441(a) ("any civil action brought in a State court of which the district

¹ R. Doc. 6.

² R. Doc. 1-5.

³ R. Doc. 1.

⁴ R. Doc. 6.

courts of the United States have original jurisdiction, may be removed *by the defendant or the defendants*, to the district court of the United States")(emphasis added). Because Trahan is the plaintiff in this action, he was not permitted to remove the suit to this Court.

Accordingly,

IT IS ORDERED that the defendants' motion to remand is GRANTED.

New Orleans, Louisiana, this 8th day of November, 2013.

A handwritten signature in cursive script that reads "Sarah S. Vance". The signature is written in black ink and is positioned above a horizontal line.

SARAH S. VANCE
UNITED STATES DISTRICT JUDGE