

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

CHRISTOPHER BUCKENBERGER

CIVIL ACTION

VERSUS

NO. 17-2862

JANE TRICHE MILAZZO

SECTION "B" (2)

ORDER AND REASONS

Before the Court are two motions filed by *pro se* Plaintiff Christopher Buckenberger. Rec. Docs. 6, 7. The first motion, titled "Plaintiff's (Due) Timely (Motion) to Set-Aside (Void): USDC Action 4/5/17 Doc 3," appears to request that the Court set aside the notice of directives filed by the Clerk of Court as Record Document 3. The notice, filed by the Clerk pursuant to 28 U.S.C. § 1447(b), directs the removing party to file a list of the remaining parties, copies of all state court pleadings, and copies of the return on service of process filed in state court. Rec. Doc. 3. The United States of America removed this matter from state court and was therefore obligated to comply with the Clerk's directive. See Rec. Doc. 1. It timely complied on April 14, 2017. Rec. Doc. 5. Plaintiff was not required, or expected, to respond to the Clerk's directive.

The second motion filed by Plaintiff appears to be a motion to remand. Rec. Doc. 7. It is titled "Plaintiff/Complainant's Due Timely . . . Continued (O)jections to . . . DOJ Complicit Removal Action 4/4/17 . . . Continued from 'Plaintiff's Recent (E-Mail)

Submissions.” *Id.* at 1. While the title does not clearly indicate the purpose of the motion, Plaintiff then requests relief in the form of “dismissing” the removal and suggests that the appropriate redress is remand. *Id.* at 1, 11.<sup>1</sup> He does not, however, provide any legal basis for remand. Accordingly,

**IT IS ORDERED** that the motion to set aside (Rec. Doc. 6) is **DENIED**.

**IT IS FURTHER ORDERED** that the motion to remand (Rec. Doc. 7) is **DISMISSED** as frivolous.

**IT IS FURTHER ORDERED** that Plaintiff Christopher Buckenberger show cause in writing no later than Monday, June 5, 2017 why this matter should not be dismissed as frivolous and otherwise barred by judicial immunity. Failure to timely comply with this Order may lead to additional grounds for dismissal without further notice pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff is also reminded that “*pro se* litigants, like all other parties, ‘must abide by’ the rules that govern the federal courts.” *Frazier v. Wells Fargo Bank, N.A.*, 541 F. App’x 419, 421 (5th Cir. 2013) (citing *United States v. Wilkes*, 20 F.3d 651, 653 (5th Cir. 1994)).

New Orleans, Louisiana, this 24th day of May, 2017.



SENIOR UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Plaintiff asks the Court to remand Civil Action No. “16-9868” to state court; this is the number assigned by the state court to his pleadings in the instant action. See Rec. Doc. 5-1 at 1.