

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

KEDRICK BYRD

CIVIL ACTION

VERSUS

NO. 16-563-JWD-EWD

P&S TRANSPORTATION, LLC, ET AL.

CONSOLIDATED WITH

STACY HENRY

CIVIL ACTION

VERSUS

NO. 17-471-JWD-EWD

GARY F. NORMAN, ET AL.

OPINION

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report dated November 14, 2017, to which no objection was filed;

IT IS ORDERED that Plaintiff's Motion to Remand, (Doc. 53) is GRANTED and that Stacy Henry's suit, Civil Action No. 17-471, is SEVERED¹ from the suit with which it was previously consolidated, Byrd v. P&S Transportation, LLC, et al., Civil Action No. 16-563, and REMANDED to the 18th Judicial District Court, Parish of West Baton Rouge, State of Louisiana.

IT IS FURTHER ORDERED that Plaintiff's request for an award of costs and attorney's fees under 28 U.S.C. § 1447(c) is DENIED.

Signed in Baton Rouge, Louisiana, on November 29, 2017.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

¹ See, *Ace American Ins. Co. v. Huttig Building Products, Inc.*, Civil Action Nos. 10-527, 10-601, 2011 WL 3047640 at * 9 (S.D. Miss. July 25, 2011) (severing consolidated action over which court lacked diversity jurisdiction and remanding that action to state court); *Young v. Antioco*, 03-CV-0333, 2003 WL 23201342, at * 1 (N.D. Tex. Aug. 6, 2003) (severing and remanding once-consolidated action based on lack of federal question subject matter jurisdiction).