

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

RONDRAEL ROSSUM * **CIVIL ACTION NO. 12-2303**
VERSUS * **JUDGE S. MAURICE HICKS**
CITY OF SHREVEPORT * **MAG. JUDGE KAREN L. HAYES**

MEMORANDUM RULING

Before the undersigned Magistrate Judge, on reference from the District Court, is a Motion to Remand [doc. # 3] filed by Plaintiff Rondrael Rossum. This motion is unopposed. For the reasons stated below, the Motion to Remand is **GRANTED**.¹

Defendants removed this action solely on the basis of Federal Question jurisdiction pursuant to 28 USC § 1331. Plaintiff argues that this Court does not have subject matter jurisdiction in this matter, as Plaintiff does not seek relief under any federal statute. [doc. # 3-1, P. 1]. In response, Defendant filed a certified letter stating that since “plaintiff’s attorney has represented to [Defendant] that he has no intention of asserting any federal claim,” Defendant does “not intend to file an opposition to the motion for remand.” [doc. # 5, P. 1]. A review of Plaintiff’s state court petition satisfies the Court that he does not expressly assert a federal claim, and that, together with his assertion that he did not intend to assert any federal claims, is sufficient to warrant remand on the grounds of lack of subject matter jurisdiction. Of course, if Plaintiff were to amend the petition to assert a claim under federal law, then the above-captioned matter would be subject to removal at that time.

¹As this motion is not excepted in 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this ruling is issued under the authority thereof, and in accordance with the standing order of this court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

For the foregoing reasons, the Motion to Remand [doc. # 3] filed by Plaintiff is hereby **GRANTED**; the case shall be **REMANDED** to the First Judicial District Court for the Parish of Caddo, State of Louisiana.

THUS DONE AND SIGNED at Monroe, Louisiana, this 31st day of October 2012.

A handwritten signature in black ink, appearing to read "Karen L. Hayes", is written over a horizontal line.

KAREN L. HAYES
U. S. MAGISTRATE JUDGE