

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JOSEPH JOHNSON

*
*
*
*
*
*
*

v.

Civil No. – JFM-13-130

AMALGAMATED TRANSIT UNION
LOCAL 1300, et al.

MEMORANDUM

Plaintiff originally instituted this action in the Circuit Court for Baltimore City. Defendants removed the action. Plaintiff has filed a motion for remand. The motion will be granted.¹

Plaintiff has asserted only state law claims in his complaint. It may well be that these claims are entirely without merit, particularly in light of the fact that the Maryland Commission on Civil Rights disclaims having received any administrative complaint filed by plaintiff. That, however, is a matter for the state court to decide.

Defendants argue that a federal claim necessarily is being pursued because, if no administrative complaint was filed with the Maryland Commission on Civil Rights, the only possible claim that plaintiff could have would be a federal one. As stated above, however, plaintiffs disavow any federal claim, and resolution of the question of whether such a claim is implicitly pled by virtue of the non-filing of a claim with the Maryland Commission on Civil Rights would involve this court in analysis that is for the state court to make.

¹ Also pending is a motion for summary judgment filed by defendants. In light of the fact that I am remanding this action to the Circuit Court for Baltimore City, that motion should be decided in that court.

Plaintiff seeks attorneys' fees from defendants. However, in light of the fact that plaintiff has contributed to the problems that it faces in this litigation, that motion will be denied.²

A separate order of remand is being entered herewith.

Date: August 8, 2013

/s/
J. Frederick Motz
United States District Judge

² I note that it appears rather clear that at least one of the defendants, David A. McClure, is entitled to dismissal because plaintiff apparently does not even allege that he filed an administrative complaint against McClure.