

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COUNTRYWIDE HOME LOANS,
INC.,

Plaintiff and Counter-defendant,

vs.

Case No. 08-CV-13783

BRADLEY S. AUSTIN,

Defendant, Counter-plaintiff,
Third Party Plaintiff,

HON. GEORGE CARAM STEEH

vs.

DEANNA LYNN AUSTIN, et al.,

Third Party Defendants

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ORDER DENYING MOTION TO VACATE ORDER OF REMAND

Defendant, Bradley S. Austin, has filed a motion to vacate, amend or alter, or otherwise review order of remand. Defendant contends that removal jurisdiction is proper before this Court because the underlying civil action against him involves laws providing for the equal civil rights of citizens within the United States. 28 U.S.C. §1443(1). This statute only applies to laws providing for specific civil rights stated in terms of racial equality. In other words, statutes or constitutional provisions phrased in terms of general rights applicable to all citizens, rather than couched in the specific language of racial equality, will not provide a basis for removal under 28 U.S.C. § 1443(1). See Georgia v. Rachel, 384 U.S. 780 (1966).

Plaintiff's case originally brought in state court is a foreclosure action, and is not based on laws specifically providing for racial equality. The case was not proper for removal. Now, therefore,

IT IS HEREBY ORDERED that defendant's motion to vacate is DENIED.

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: December 11, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on December 11, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk