

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIHAD HOSSEIN,

Plaintiff,

v.

Case Number 12-14968

Honorable David M. Lawson

Magistrate Judge Michael J. Hluchaniuk

CITY OF DEARBORN HEIGHTS,

DAVID D. TURFE, MARK J.

PLAWECKI, LEE GAVIN, D. MUELLER,

M. GUZOWSKI, DOE NO. 1, identified as

Badge No. 19, and DOE NO. 2, identified as

Court Clerk,

Defendants.

ORDER DISMISSING CASE

On November 7, 2012, the plaintiff filed his lengthy initial pleading in this case, which he directed the Clerk of Court to docket as a “notice of removal.” The federal statute that governs removal of a case from state to federal court states that:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the *defendant* or the *defendants*, to the district court of the United States for the district and division embracing the place where such action is pending.

28 U.S.C. § 1441(a) (emphasis added). The statute does not allow for removal of a case by a plaintiff. The plaintiff here has purported to remove his own state case to this court, and he has cited no legal authority showing that he has a right to do so. The plaintiff also failed to identify in his pleadings what case, from which state court, he intended to remove.

On November 14, 2012, the Court entered an order for the plaintiff to show cause in writing why the case should not be dismissed for lack of subject matter jurisdiction. The plaintiff refused delivery of the copy of the Court’s order which was served on him by mail, and accordingly has

forfeited his right to respond to the order to show cause. The plaintiff also filed a second pleading, identical to his initial filing in this case, which was separately docketed by the Clerk of Court as the complaint in *Hossein v. City of Dearborn Heights*, 12-14969. The Court therefore will dismiss the present action and allow the plaintiff to proceed with his complaint in the related case.

Accordingly, it is **ORDERED** that the order referring the case to the magistrate judge [dkt. #4] is **VACATED**.

It is further **ORDERED** that the complaint is **DISMISSED** without prejudice.

It is further **ORDERED** that the plaintiff's motion for declaratory judgment [dkt. #7] is **DISMISSED** as moot.

s/David M. Lawson _____
DAVID M. LAWSON
United States District Judge

Dated: November 21, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 21, 2012.

s/Deborah R. Tofil _____
DEBORAH R. TOFIL