

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE OF MICHIGAN, et al.,

Plaintiff,

v.

Civil Case No. 21-10825
Honorable Linda V. Parker

AQEEL MIXON,

Defendant.

**OPINION AND ORDER STRIKING “AMENDED COMPLAINT” AND
PRECLUDING FUTURE FILINGS IN THIS ACTION**

On April 12, 2021, Defendant filed a notice of removal effectively removing to federal court the criminal proceedings brought by the State of Michigan against him. (ECF No. 1 at Pg ID 21-24.) Concluding that federal subject matter jurisdiction was lacking, this Court remanded the matter to state court on April 16, 2021. (ECF No. 5.) Defendant nevertheless filed an “Amended Complaint” on May 3, 2021. (ECF No. 6.)

“In the absence of jurisdiction, the court’s function is to announce the lack of jurisdiction and dismiss or remand the case.” *Vill. of Oakwood v. State Bank & Trust Co.*, 481 F.3d 364, 366-67 (6th Cir. 2007); *see also Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998) (quoting *Ex Parte McCardle*, 7 Wall. 506, 514 (1868)) (“Without jurisdiction, the court cannot proceed at all in any cause.

Jurisdiction is the power to declare the law, and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the case.”). Because this Court has remanded this case to state court, it lacks jurisdiction over Defendant’s Amended Complaint.

Accordingly,

IT IS ORDERED that Defendant’s Amended Complaint is **STRICKEN**, this matter remains closed, and no further materials shall be filed in the matter.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: May 7, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 7, 2021, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager