

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STATE OF MISSOURI,)	
)	
Plaintiff,)	
)	
v.)	No. 4:13CV00560 AGF
)	
AARON LAROSE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion to Vacate the Order Issued April 2, 2013, and Application for a Restraining Against [*sic*] the Missouri Court of Appeals Eastern District ED97043.

Defendant attempted to remove this action from the Missouri Court of Appeals on March 25, 2013. The Court reviewed Defendant's Notice of Removal and state case file and found that the removal was defective. So, the Court summarily remanded the action. This Court lacks subject matter jurisdiction to hear the state court action because Title 28 of the United States Code does not permit a criminal defendant to remove an appellate case from state to federal court. As a result, the instant motions must be dismissed for want of jurisdiction as well.

Defendant has also filed a motion for leave to proceed in forma pauperis on appeal. The motion is denied because any appeal would be filed in bad faith. See 28 U.S.C. § 1915(a)(3). Defendant's legal theories are wholly frivolous.

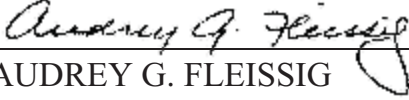
Accordingly,

IT IS HEREBY ORDERED that Defendant's pending motions [ECF Nos. 6-8] are **DENIED** with prejudice.

IT IS FURTHER ORDERED that Clerk shall send a copy of this Order to the Missouri Court of Appeals, with reference to Missouri v. Larose, ED97043.

IT IS HEREBY CERTIFIED that an appeal would not be taken in good faith.

Dated this 25th day of April, 2013.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE