

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

KATHRYN LOVE,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14-CV-1830-JAR
)	
PAUL PIATCHEK, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff’s Motion for Remand. (Doc. No. 7) Plaintiff originally filed this wrongful death action in the Circuit Court of St. Louis City, Missouri on August 13, 2014, alleging, *inter alia*, violations of the Fourth Amendment to the United States Constitution. (Doc. No. 4) Defendants removed the case to this Court on October 29, 2014 pursuant to 28 U.S.C. § 1331. (Doc. No. 1) On November 5, 2014, Plaintiff filed an Amended Petition for Wrongful Death removing the allegation of violations of the Fourth Amendment. (Doc. No. 12) In support of her motion for remand Plaintiff states that her amended petition does not raise any federal question.

On November 21, 2014, the Court granted Defendants until December 5, 2014 to respond to Plaintiff’s motion for remand. (Doc. No. 15) No response or motion for extension of time in which to respond was filed. On December 10, 2014, the Court contacted Defendants’ counsel to ask if Defendants intended to file a response to the motion for remand and was informed that no response would be filed.

Upon review it appears that Plaintiff has abandoned her federal claims. Defendants have not filed any opposition to Plaintiff’s motion, and therefore have not attempted to meet their


burden of establishing federal subject matter jurisdiction. In re Business Men's Assurance Co. of America, 992 F.2d 181, 182 (8th Cir. 1993).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Remand [7] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of the Court shall remand this action to the Circuit Court for the City of St. Louis, Missouri.

Dated this 10th day of December, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE