

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

ST. LOUIS COUNTY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:15CV770 CEJ
	)	
CAROL JOHNSON and CARL JOHNSON,	)	
	)	
Defendants,	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on defendants’ attempt to remove two criminal actions from the Circuit Court for St. Louis County, Missouri, pursuant to 28 U.S.C. § 1443(1). Because the requirements for removal have not been met, this action must be remanded to the state court.

Section 1443(1) authorizes the removal of a civil or criminal case (1) that is brought against a person who has been denied or cannot enforce his civil rights in a state court or (2) that is for any act derived from a law providing for equal rights or for refusing to do an act on the ground that it would be inconsistent with such law. See Georgia v. Rachel, 384 U.S. 780, 800 (1966) (“Removal is warranted only if it can be predicted by reference to a law of general application that the defendant will be denied or cannot enforce the specified federal rights in the state courts.”); Neal v. Wilson, 112 F.3d 351, 355 (8th Cir.1997) (to remove under § 1443 defendant must rely on law providing for equal civil rights stated in terms of racial equality). In this case, the defendants allege that “Plaintiffs continually tell defendants to move out of their house or bad things will continue to happen to defendants. Plaintiffs/friends have made numerous death threats against defendants.” These allegations establish that the state court cases here are not within the category of cases that may be removed under § 1443.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motions for leave to proceed in forma pauperis [ECF Nos. 2, 3] are **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **REMANDED** to the Circuit Court for St. Louis County, Missouri.

Dated this 20th day of May, 2015.



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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE