

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

AMERIGAS PROPANE, L.P.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:15CV01172 AGF
)	
TONY EYE and CHILTON OIL)	
COMPANY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER OF REMAND

This matter is before the Court on Defendant Chilton Oil Co.’s unopposed motion to remand this action to state court on the ground that it is a citizen of Missouri, as set forth in the complaint. Chilton Oil Co. was the removing party, basing removal on this Court’s diversity jurisdiction. But Chilton Oil Co. now correctly notes that 28 U.S.C. § 1441(b)(2) prohibits removal based on diversity if any of the defendants properly joined and served is a citizen of the state in which the action was filed.

Accordingly,

IT IS HEREBY ORDERED that Defendant Chilton Oil Co.’s motion (Doc. No. 7) to remand is **GRANTED**, and this action is **REMANDED** to the 24th Judicial Circuit Court, St. Francois County, Missouri.

Dated this 14th day of August, 2015.



 AUDREY G. FLEISSIG
 UNITED STATES DISTRICT JUDGE