

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

STATE OF MISSOURI,)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-CV-1206 RLW
)	
GEORGE M. KNIEST,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Before the Court is a “motion to vacate” filed by defendant George Kniest. After a review of defendant’s motion, the Court will interpret the motion as one for reconsideration of the Court’s remand of this case to the state court from which Mr. Kniest unlawfully removed the case, *i.e.*, the Missouri Court of Appeals for the Eastern District.

In July of this year, defendant filed a pro se removal in this Court requesting the Court review his state criminal case, filed in the Missouri Court of Appeals, ED104166-01, on that grounds that “his constitutional rights were being violated in the state proceedings.” Because there was no statutory basis for defendant to remove the state action to federal court, this case was remanded to the Missouri Court of Appeals for the Eastern District.

In his motion for reconsideration of the remand order, defendant states that in a prior case he removed, which was appealed to the Eighth Circuit, “there was no certified remand.” Defendant misrepresents the case cited before this Court.

In *State of Missouri v. Kniest*, No. 4:15CV1849 NCC-RWS (E.D.Mo. 2015), the District Court dismissed the action without prejudice. The Eighth Circuit then upheld the judgment, or dismissal, of the District Court, but struck the assessment of a District Court filing fee. The

Appellate Court also stated that no filing fee would be assessed in the Court of Appeals. *See State of Missouri v. Kniest*, No. 16-1314 (8th Cir. June 27, 2016).

There is simply no basis to vacate, or reconsider, this Court's order remanding the removal of this state criminal appeal. Defendant's motion for reconsideration will be denied.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to vacate, or to reconsider, the order remanding this action to the Missouri Court of Appeals [Doc. #10] is **DENIED**.

IT IS FURTHER ORDERED that an appeal of this order would not be taken in good faith.

Dated this 5th day of October, 2016.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE