



a state lawsuit to federal court; only a defendant has the right to remove. See [28 U.S.C. §§ 1441, 1443, 1446](#); [Chi. R.I. & P.R. Co. v. Stude](#), 346 U.S. 574, 580 (1954); [Shamrock & Gas Corp. v. Sheets](#), 313 U.S. 100, 104 (1941).

Second, to the extent that Plaintiff is attempting to remove this matter on behalf of someone else, he is prohibited from doing so. See [28 U.S.C. § 1654](#); [Iannacone v. Law](#), 142 F.3d 553, 558 (2d Cir. 1998), (concluding a non-attorney pro se party may not represent another's interests).

Third, Plaintiff has a history of filing nonsensical and frivolous documents. See, e.g., [Arizona v. Runke](#), CR-09-8053-PCT-PGR, 2010 WL 1814957, at \*1 (D. Ariz. May 4, 2010) (warning Michael Joseph Kearns, a non-attorney, who filed a notice of removal and other documents on defendant's behalf, that the court would not tolerate his nonsensical and frivolous filings "which have done nothing except waste scarce judicial resources and taxpayers' funds"). Plaintiff's frivolous commands and pleadings will not be tolerated in this court. Plaintiff is warned that if he continues to pursue frivolous arguments or file frivolous documents in this court, he may be subject to sanctions or filing restrictions.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice and hereby remanded to the District Court of Keya Paha County, Nebraska;
2. Plaintiff's frivolous commands and pleadings will not be tolerated in this court. Plaintiff is warned that if he continues to pursue frivolous arguments or file frivolous documents in this court, he may be subject to sanctions or filing restrictions;
3. The clerk's office shall mail a copy of this Memorandum and Order to the District Court of Keya Paha County, Nebraska, and may take any other action necessary to effectuate the remand; and

4. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 13<sup>th</sup> day of June, 2012.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge

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