

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 TAKO LLC,
4 Plaintiff

5 v.

6 PARNELL COLVIN,
7 Defendant

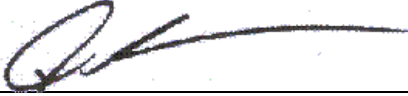
Case No.: 2:22-cv-01837-APG-NJK

**Order Remanding Case for Lack of
Subject Matter Jurisdiction**

9 Defendant Parnell Colvin removed this action from state court based on federal question
10 jurisdiction. ECF No. 1. Under 28 U.S.C. § 1331, federal district courts have jurisdiction over
11 “all civil actions arising under the Constitution, laws, or treaties of the United States.” Colvin
12 asserted that federal question jurisdiction exists because plaintiff Tako LLC violated his federal
13 constitutional rights. However, Colvin’s federal defenses or counterclaims cannot create federal
14 question jurisdiction for removal. *See* ECF No. 5 at 1 (citing cases). I therefore ordered Colvin
15 to show cause why this action should not be remanded to state court for lack of subject matter
16 jurisdiction. *Id.* I advised Colvin that failure to respond by November 16, 2022 would result in
17 remand. *Id.* Colvin did not respond.

18 I THEREFORE ORDER that the case is remanded to the state court from which it was
19 removed for all further proceedings. The clerk of court is instructed to close this case.

20 DATED this 21st day of November, 2022.

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23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE