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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT CRAWFORD,
Plaintiff,
vs.
WILLIAM BATTRICK, *et al.*,
Defendants.

3:10-cv-0683-ECR-RAM

ORDER

Before the Court are Defendants’ Notice of Removal (Docket #1), Plaintiff’s Pro Se Civil Rights Complaint (Docket #1, Exhibit B), Plaintiff’s motion to remand (docket #3) and the defendants’ response (docket # 5).

I. Removal of this Action was Improper

Plaintiff, an inmate at Ely State Prison, filed a *pro se* civil rights complaint on August 10, 2010, in the Seventh Judicial District Court of the State of Nevada in the County of White Pine. Defendant Baker was served on or about October 19, 2010, and defendants Battrick and Prince were served on or about October 26, 2010. Defendants filed a Notice of Removal in this Court on November 1, 2010 (docket #1). “The district courts shall have original jurisdiction of all civil actions under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Plaintiff has alleged that certain actions of various prison staff were negligent. The body of the “Complaint”

1 invokes no federal statute or federal law. While the document to which defendants refer cites to
2 federal case law, such citation does not convert this action into a federal case. Plaintiff has not
3 alleged that his rights have been violated, merely that defendants acted negligently, causing him
4 harm to pending litigation. He does not allege that he has been denied access to the courts or make
5 other allegations of constitutional dimensions. "A suit arises under the law that creates the cause of
6 action." *American Well Works Co. v. Layne & Bowler Co.* 241 U.S. 257, 260 (1916). In this
7 instance, that is the law of the state of Nevada.

8 The motion for remand shall be granted.

9 **IT IS THEREFORE ORDERED** that plaintiff's Motion for Remand (docket #3) is
10 **GRANTED.**

11 The matter shall be remanded to the Seventh Judicial District Court. The Clerk shall
12 close this action.

13 DATED this 20th day of December, 2010.

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16 UNITED STATES DISTRICT JUDGE
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