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UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

Elias Mallouk Realty Corp.,

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v.

Plaintiff,

Peter Ingris, et al.,

Defendants.

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8.30				

WILLIAM T. WALSH CLERK

Civil Action No. 15-2138 (MAS) (LHG)

MEMORANDUM ORDER ON APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES

This matter comes before the Court on the application of Defendant Peter Ingris to proceed without prepayment of fees under 28 U.S.C. § 1915. (ECF No. 1-11.) The Court will grant the application on the strength of Defendant's allegation of indigence but Defendant's removal of this action was improper and the Court will *sua sponte* remand this action back to state court.

On March 18, 2015, Defendant filed a Notice of Removal seeking to remove a New Jersey state court action, docket number SOM-L-1542-14, (the "State Court Action") and an "administrative proceeding, *In re Ciccone v. Ingris.*" (ECF No. 1.) This Court previously remanded the State Court Action for lack of subject matter jurisdiction (ECF Nos. 8, 9, 14-4305), and denied Defendant's later motion to amend the remand order on jurisdictional grounds (ECF No. 13, 14-4305). Defendant now asserts that removal is proper, pursuant to 28 U.S.C. §§ 1443 and 1446, based on a recent Warrant for Eviction entered in the State Court Action. "[R]emoval statutes are to be strictly construed against removal and all doubts should be resolved in favor of remand." *A.S. ex rel. Miller v. SmithKline Beecham Corp.*, 769 F.3d 204, 208 (3d Cir. 2014) (internal quotations omitted). Defendant attempts, again, to relate the State Court Action, a landlord tenant dispute, to an unrelated discrimination case, *Ingris v. Drexler, et. al.*, 14-

2404 (ES) (MAH).¹ As the Court already stated, the allegations in the State Court Action, related to a subsequent tenancy in Hillsborough, are unrelated to the race-based conspiracy Defendant alleges in his discrimination suit. This analysis does not change based solely on the state court entering a Warrant of Eviction.

IT IS on this 27th day of March, 2015, ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* is hereby granted pursuant to 28 U.S.C. § 1915;

2. The Clerk of the Court shall file the Notice of Removal without prepayment of fees or security;

3. This action is remanded to the Superior Court of New Jersey; and

4. The Clerk of the Court shall mark this matter CLOSED.

s/ Michael A. Shipp MICHAEL A. SHIPP UNITED STATES DISTRICT JUDGE

¹ An analysis of this unrelated action, and overview of multiple other actions in the District of New Jersey in which Defendant is a party, can be found in this Court's prior Opinion. (ECF No. 8, 14-4305.)