

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO.: 7:16-CV-00116-F

DONNA GARDNER, Individually and as)
Administratrix of the Estate of COREY R.)
REESE,)
)
Plaintiffs,)
)
v.)
)
JACKSON DAVIES and WILLIAM)
DAVIES,)
)
Defendants.)

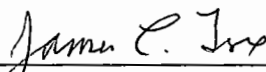
ORDER REMANDING CASE

This matter having come on to be heard before the undersigned Judge on Plaintiff's Motion to Remand this case to the North Carolina General Court of Justice; and it appearing to the Court that the Defendants have filed Notice of Removal pursuant to 28 U.S.C. §§ 1332(a) and 1441. It further appearing that removal is not proper, as, pursuant to 28 U.S.C. §§1441(b)(2), removal is not allowed on the basis of 28 U.S.C. §1332(a) "if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action was brought."

The Court finds that Defendants are both citizens and residents of the state of North Carolina, which is the State in which this action was brought. The Court further finds that Plaintiff's Motion to Remand was timely filed, pursuant to 28 U.S.C. §1447 and that Plaintiff's Motion should be allowed.

IT IS THEREFORE ORDERED that this civil action be remanded to the North Carolina General Court of Justice, Superior Court Division, New Hanover County, for all further proceedings.

This the 15th of July, 2016.



James C. Fox
Senior United States District Judge