

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-CV-00671-FDW-DCK

CHANTEL E. WARRINGTON,)
)
Plaintiff,)
)
vs.)
)
CHRIS KING, JOHN DOE & JANE DOE,)
)
Defendants.)
)
_____)


ORDER

THIS MATTER is before the Court upon Plaintiff Chantel E. Warrington’s Verified Petition for Warrant of Removal. (Doc. 3). For the reasons set forth below, Plaintiff’s Petition is DENIED.

Removal of civil actions from state court to the courts of the United States is governed by 28 U.S.C. § 1441. This statute only authorizes removal of cases from state court by defendants. As Ms. Warrington is the plaintiff in this case, she is not able to file this Petition. In addition, Plaintiff cites her state case number as 12-CR-289219-01, which indicates that her state court case is a criminal matter. There is no provision of law, either under 28 U.S.C. § 1441 or elsewhere, that permits a criminal case to be removed from state court and filed in federal court. As such, Plaintiff’s Petition is DENIED.

IT IS SO ORDERED.

Signed: October 23, 2012



Frank D. Whitney
United States District Judge 