

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Frontier Ins. Co.,)	CASE NO. 1:11 CV 1513
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
Vs.)	
)	
Bradley Road, Inc., et al.,)	<u>Memorandum of Opinion and Order</u>
)	
Defendants.)	

This is an insurance dispute involving a performance bond. Although no motion is pending, this Court must independently review its own jurisdiction. For the following reasons, the Court finds that it lacks jurisdiction over this dispute and, as such, remand is required.

Plaintiff, Frontier Insurance Company, filed this action in state court against a number of defendants. Defendants answered. A third-party complaint was filed against third-party defendant, the City of Cleveland (“City”). Thereafter, the City filed a notice of removal purporting to invoke this Court’s jurisdiction.

It is well-settled in this Circuit, however, that third-party defendants are not entitled to invoke the Court’s removal jurisdiction. *First National Bank of Pulaski v. Curry*, 301 F.3d 456

(6th Cir. 2002). Rather, Congress conferred that right upon only the original defendants. Accordingly, this case was improvidently removed and must be remanded to state court.

IT IS SO ORDERED.

Date: 9/23/11

/s/Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge