

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CONOCO-PHILLIPS PIPELINE COMPANY,)

Plaintiff,)

v.)

ANNABELLE CATES and JOHN L. CATES,)

Defendants.)

Case No. 05-CV-0546-CVE-FHM


OPINION AND ORDER

Now before the Court is the United States' Suggestion of Lack of Jurisdiction (Dkt. # 6) and Motion for Remand of Action (Dkt. # 7). The motion for remand is unopposed. Plaintiff originally brought this action in Tulsa County District Court on August 25, 2005. Pursuant to 28 U.S.C. § 1441, defendants removed to federal court on September 19, 2005, within thirty (30) days of service. Defendants removed on the basis that the case involved title to restricted Indian land belonging to members of one or more of the Five Civilized Tribes, thereby falling within this Court's jurisdiction under 28 U.S.C. § 1331 (Dkt. # 2).

According to the motion for remand and supporting documents, defendant Annabelle Cates passed away on September 20, 2005. Annabelle Cates was of one-half blood of the Five Civilized Tribes. However, the presumptive heirs of Annabelle Cates are either non-Indian or are of less than one-half blood of the Five Civilized Tribes. Therefore, the subject property no longer belongs to members of one or more of the Five Civilized Tribe and federal jurisdiction no longer exists.

IT IS THEREFORE ORDERED that the motion for remand (Dkt. # 7) is hereby **granted**. This case is remanded to Tulsa County District Court.

DATED this 26th day of September, 2005.


CLAIRE V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT