

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

AURORA M. MUNIZ-SAVAGE,)	
MARIA A. SAVAGE,)	
)	
v.)	CIV-15-654-R
)	
MICHAEL ADDISON,)	
JANET DOWLING,)	
JASON BRYANT,)	
DEPARTMENT OF CORRECTIONS)	

ORDER

Plaintiff filed this action in the District Court of Oklahoma County and Defendants removed this action pursuant to 28 U.S.C. § 1441 because Plaintiffs' state court petition includes claims arising under federal law and therefore this Court had original jurisdiction under 28 U.S.C. § 1331. On June 22, 2015, Defendants filed a Motion to Dismiss (Doc. No. 2). Plaintiffs, in turn, filed an Objection to Removal (Doc. No. 3), on July 6, 2015, which the Court construes as a motion to remand. Plaintiff also asked that the Court defer ruling on Defendants' motion to dismiss pending a decision regarding remand (Doc. No. 4). Defendants responded in opposition to the motion to remand, but failed to respond to the motion to defer. The Motion to Defer (Doc. No. 4) is hereby granted, and Plaintiffs shall respond to the motion to dismiss within the time limits stated herein, because the Objection to Removal, construed as a motion for remand, is hereby DENIED. (Doc. No. 3).

Plaintiffs concede they included claims arising under the United States Constitution in their petition. They contend, however, that the state court has concurrent jurisdiction over such claims. The fact that the state court can exercise jurisdiction over the Plaintiffs' federal

claims does not deprive Defendants of their right to remove this action pursuant to 28 U.S.C. § 1441, which permits removal in cases involving claims arising under the United States Constitution. As such, Defendants removal was appropriate, and Plaintiffs are not entitled to remand. Plaintiffs shall respond to Defendants' Motion to Dismiss not later than August 21, 2015.¹

IT IS SO ORDERED this --- day of August, 2015.

¹ The applicable law is not dependent on the forum, that is, Plaintiffs' federal law claims are governed by federal law, regardless of whether pursued in state or federal court, and her state law claims will be governed by state law even though this action will proceed in federal court.