

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

STATE OF OREGON,

Case No. 08-6378-HO

Plaintiff,

ORDER

v.

MICHAEL T. BROWN,

Defendant.

Defendant filed a document entitled "NOTICE OF REMOVAL OF CRIMINAL ACTION UNDER 28 U.S.C. §§ 1331, 1446." Exhibit 3 to the notice of removal appears to be a copy of an indictment filed in the Circuit Court of the State of Oregon for Deschutes County in the case of State of Oregon v. Brown, 07FE1415AB. See also Pl's ex. 1 at 1. Defendant filed a motion to dismiss and plaintiff filed a motion for summary remand to state court. Defendant's motion asks the court to dismiss the State of Oregon's "Complaint" for lack of jurisdiction and failure to state a claim upon which relief may be granted.

The notice of removal does not state sufficient grounds to permit removal of the criminal action against defendant. Defendant relies on 18 U.S.C. § 242, 28 U.S.C. §§ 117, 1331, 1367(a), 1391, 1441(a) & (b), 1446, LR 3 and LR 4(a)(2). Defendant's authority does not authorize removal of a state court criminal action to this court. Nor does defendant allege facts entitling him to remove the criminal action.

Conclusion

Based on the foregoing, plaintiff's motion for remand [#6] is granted; defendant's motion to dismiss [#5] is denied as moot; this action is remanded to the Circuit Court of the State of Oregon for Deschutes County.

SO ORDERED.

DATED this 14<sup>th</sup> day of January, 2009.

s/ Michael R. Hogan  
United States District Judge