

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BARBARA WINFIELD FORD, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. H-12-1402
§
§
WELLS FARGO BANK, *et al.*, §
§
Defendants. §

ORDER

Barbara Winfield Ford sued four defendants in federal court, asserting causes of action for race discrimination under Title VII and age discrimination under the ADEA. Ford moves “to have this suit withdrawn” from federal court and “transferred to the state level.” (Docket Entry No. 15.) The bases of her motion are that she needs the help of an attorney to proceed and that the attorney from whom she sought help, but not yet retained, is unable to represent her in federal court. Ford’s motion is denied because this court lacks the authority to transfer a case that was originally filed in federal court to state court. *See Foster v. Graves*, 428 F. App’x 348, 351 (5th Cir. 2011) (stating that “a district court does not have the authority . . . to remand or transfer a case to state court if the matter was not initially filed in state court and subsequently removed to federal court”).

If Ford wants to pursue this action in state court, she may move to voluntarily dismiss her federal court action without prejudice and refile the lawsuit in state court. But because Ford’s claims arise under federal law, the defendants may choose to remove any action Ford files in state court back to federal court. *See* 28 U.S.C. § 1441(a); *id.* § 1446.

SIGNED on August 7, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge