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7 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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9 CITY OF EDMONDS,

10 Plaintiff,

11 v.

12 DARY GAIL RIEDLINGER,

13 Defendant.

No. C17-225RSL

ORDER DENYING MOTIONS FOR  
RELIEF FROM ORDER OF  
REMAND

14 This matter comes before the Court on defendant's "Motion to Vacate Order to Remand  
15 Case," Dkt. # 17, and defendant's "Motion for Relief from Order of Remand," Dkt. # 18. The  
16 Court DENIES these motions. Defendant asks the Court to void its order of remand, Dkt. # 11,  
17 on the grounds that the order constitutes fraud. This contention is meritless. As the Court has  
18 already explained, see Dkt. # 11, federal jurisdiction cannot be based on actual or anticipated  
19 defenses, Vaden v. Discover Bank, 556 U.S. 49, 60 (2009). Defendant's claim that his traffic  
20 citation violates his First Amendment rights is a defense to that citation, and so it cannot form  
21 the basis for federal jurisdiction and removal. See Louisville & Nashville R. Co. v. Mottley, 211  
22 U.S. 149, 152 (1908). And claiming that defendant's rights were violated does not suffice to  
23 demonstrate that the state courts are incapable of vindicating defendant's rights such that  
24 removal is warranted under 28 U.S.C. § 1443. Remanding on these bases is not fraud, but rather  
25 a straightforward application of the federal jurisdiction statutes. Defendant's motions are  
26 DENIED.

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28 ORDER DENYING MOTIONS FOR RELIEF - 1

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DATED this 31st day of March, 2017.

  
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Robert S. Lasnik  
United States District Judge