UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF EDMONDS,

Plaintiff,

v.

DARY GAIL RIEDLINGER,

Defendant.

No. MC17-0018RSL

ORDER

This matter comes before the Court on a "Motion for Relief from Order of Remand (FRCP 60(d)(3)); or, For Additional Findings (FRCPO 52(b))." Dkt. # 8. Rule 60(b)(3) is inapplicable: no opposing party appeared or participated in this matter, so there could not be "fraud . . . , misrepresentation, or misconduct by an opposing party." The defects in the removal petition were plain from the face of the document.[1] Although an array of statutes was mentioned in the notice of removal, only Chapter 89 of Title 28, related to "Removal of Cases from State Courts," provides authority for the power to remove an on-going state criminal action. To the extent the author of the motion for relief seeks reconsideration of the remand order, it is DENIED on the merits and as untimely.

[1] While the novelty of a private party attempting to remove an on-going criminal case to federal court caused confusion in the Clerk's Office, the filing was accepted and timely considered based on the information provided.

Dated this 31st day of March, 2017.

Robert S. Lasnik
United States District Judge