

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DOROTHY GRANT and LIENFACTORS,
LLC,
Plaintiffs,

v.

LEROY GRANT,
Defendants.

No. 3:10cv1545 (SRU)

REMAND ORDER

On September 7, 2010, plaintiffs Dorothy Grant and Lienfactors, LLC filed a complaint against the defendant, Leroy Grant, in state court. The plaintiffs alleged that the lease between the defendant and plaintiffs had lapsed, and sought to take immediate possession of the property in question.

On September 29, 2010, Leroy Grant removed the matter from state to federal court. Doc. #1. Mr. Grant alleges that the lease is fraudulent, and that the plaintiffs have violated his civil rights and the Americans with Disabilities Act. *Id.* at 3. The defendant also claims that the state court denied him a jury in violation of due process, and the Seventh Amendment of the Constitution.

A defendant may only remove a case to federal court if the original complaint contained a federal question, or if there is a diversity of citizenship. 28 U.S.C. § 1441; *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). “[A] case may not be removed to federal court on the basis of a federal defense.” *Franchise Tax Bd. of Cal. v. Construction Laborers Vacation Trust for Southern Cal.*, 463 U.S. 1, 14 (1983). A plaintiff may not defeat removal, however, by omitting to plead necessary federal questions. *Id.* at 22.

The complaint here involves only state-law claims. There is no argument that the plaintiff has omitted necessary federal questions. Thus, even if there are valid federal defenses at issue here, there is no federal jurisdiction. If the defendant believes the state court has erred, the correct remedy is to appeal any final judgment to the state appellate court.

The case is now **REMANDED** back to state court. It is so ordered.

Dated at Bridgeport, Connecticut, this 8th day of October 2010.

/s/ Stefan R. Underhill

Stefan R. Underhill

United States District Judge