

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

TRUST AND ESTATE SERVICES	)	
COMPANY OF IDAHO, dba	)	Case No. CV-07-79-S-BLW
TRESCO OF IDAHO,	)	
CONSERVATOR OF TED AND	)	<b>ORDER OF REMAND</b>
FAYE WELLS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ROBERT VON KROSIGK, aka	)	
ROBERT-L: VON KROSIGK aka	)	
BOB VON KROSIGK; JOHN B.	)	
TODD; CONSTANCE NORRIS aka	)	
CONSTANCE MALMIN;	)	
INTERMOUNTAIN PRECIOUS	)	
METALS; and NATHAN YOUNG,	)	
	)	
Defendants.	)	
_____	)	

The Court has before it a motion to remand filed by plaintiffs on April 18, 2007. The defendants have not filed any response, and have therefore waived any objection.

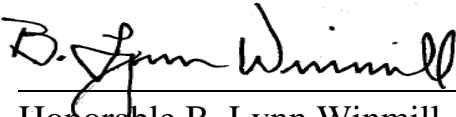
This case was originally filed in State court on November 1, 2005. Defendant Young filed an answer on February 9, 2006 in State court. Almost a year later, defendant Young filed a Notice of Removal to this Court.

The time requirements for removal stated in 28 U.S.C. § 1446(b) are mandatory and strictly construed. *United States ex rel. Walker v. Gunn*, 511 F.2d 1024 (9th Cir. 1975). Under that statute, the Notice must be filed within 30 days from the service of the complaint. Given that defendant Young filed an answer in the State court action almost a year before he filed the Notice here, the Notice is clearly untimely. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that the motion to remand (Docket No. 8) is GRANTED, and the Clerk is directed to remand this case to the Third Judicial District of the State of Idaho, in and for the County of Canyon.



DATED: **July 18, 2007**

  
Honorable B. Lynn Winmill  
Chief U. S. District Judge