

UNITED STATES DISTRICT COURT
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December 3, 2021

KIM LEININGER
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TOPEKA, KS 66683

SEE NOTICE OF ELECTRONIC FILING

Pro Se Appellant Appeal

RE: Towers v. Soptic et al

District Court Case No.: 2:21-cv-02564-HLT-TJJ

Notice of Appeal filed by: Plaintiff, Celisha Towers

Fee Status: IFP pending

The following documents are for the parties in connection with the Notice of Appeal:
Notice of Appeal and Copy of the Docket Sheet.

If you have any questions, please contact the Office of the Clerk of the U.S. Court of Appeals in Denver, Colorado at (303)844-3157.

Sincerely,
SKYLER B. O'HARA
CLERK OF COURT

By: s/ Hilary Onik
Deputy Clerk

Cc: Clerk, U.S. Court of Appeals
(Notice of Appeal, Docket Sheet, & Preliminary Record)

CLOSED,APPEAL

**U.S. District Court
DISTRICT OF KANSAS (Kansas City)
CIVIL DOCKET FOR CASE #: 2:21-cv-02564-HLT-TJJ**

Towers v. Soptic et al
Assigned to: District Judge Holly L. Teeter
Referred to: Magistrate Judge Teresa J. James
Case in other court: District Court of Wyandotte County,
Kansas, 2021MV354
Cause: 28:1441 Petition for Removal– Civil Rights Act

Date Filed: 12/01/2021
Date Terminated: 12/02/2021
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Plaintiff

Celisha Towers
ECF Notifications Only

represented by **Celisha Towers**
11216 Delaware Pkwy., #4409
Kansas City, KS 66109
816-562-8973
Email: towersforsheriff@gmail.com
PRO SE
Bar Number:
Bar Status:

V.

Defendant**Daniel Soptic****Defendant****Gayle Townsend****Defendant****Mary Gonzales****Defendant****Tom Burroughs**

Email All Attorneys
Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
12/01/2021	<u>1</u>		NOTICE OF REMOVAL from District Court of Wyandotte County, case number 2021MV354 Trial location of Kansas City, filed by Celisha Towers. (Attachments: # <u>1</u> Exhibit A – State Court Records) (lb) (Entered: 12/01/2021)
12/01/2021	<u>2</u>		CIVIL COVER SHEET re <u>1</u> Notice of Removal by Plaintiff Celisha Towers. (lb) (Entered: 12/01/2021)
12/01/2021			

		NOTICE OF JUDGE ASSIGNMENT: Case assigned to District Judge Holly L. Teeter and Magistrate Judge Teresa J. James for all proceedings. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (lb) (Entered: 12/01/2021)
12/01/2021		FILING FEE PAID: in the amount of \$ 402, receipt number K4631060302. (lb) (Entered: 12/01/2021)
12/02/2021	<u>3</u>	ORDER – The Court orders that this case is remanded to the District Court of Wyandotte County, Kansas. Signed by District Judge Holly L. Teeter on 12/2/2021. Mailed to pro se party Celisha Towers by regular mail. (kas) (Entered: 12/02/2021)
12/02/2021		***Civil Case Terminated per <u>3</u> Order remanding case to the District Court of Wyandotte County, Kansas.(kas) (Entered: 12/02/2021)
12/02/2021	<u>4</u>	Letter from U.S. District Court of Kansas to Wyandotte County District Court in Kansas City, KS regarding the remand of case number 21–2564. Mailed via Certified Mail (Certified tracking # 7018 0680 0001 8173 8745). (kas) (Entered: 12/02/2021)
12/02/2021	<u>5</u>	SUPPLEMENT to <u>1</u> Notice of Removal by Plaintiff Celisha Towers. (kas) (Entered: 12/02/2021)
12/02/2021	<u>6</u>	MOTION for Order (titled "Contestant Celisha Towers Motion to Dismiss Wyandotte County Election Commissioner Michael Abbott Motion to Intervene and Motion to Stay the Federal and State Proceedings in the United States District Court for the District Court of Kansas for a fair and honest trial") by Plaintiff Celisha Towers (referred to Magistrate Judge Teresa J. James) (kas) (Entered: 12/02/2021)
12/02/2021	<u>7</u>	AMENDED NOTICE OF REMOVAL from District Court of Wyandotte County, Kansas. Case number 2021MV354. Trial location of Kansas City, filed by Celisha Towers.(kas) (Entered: 12/02/2021)
12/02/2021	<u>8</u>	Amended MOTION for Order (titled "Amended Contestant Celisha Towers Motion to Dismiss Wyandotte County Election Commissioner Michael Abbott Motion to Intervene and Motion to Stay the Federal and State Proceedings in the United States District Court for the District Court of Kansas for a fair and honest trial") by Plaintiff Celisha Towers. (referred to Magistrate Judge Teresa J. James) (kas) (Entered: 12/02/2021)
12/02/2021	<u>9</u>	MOTION for Reconsideration re <u>3</u> Order (titled "Motion to Dismiss Order Remanding back to the District Court of Wyandotte County Kansas and Stay Proceedings in the United States District Court for the District Court of Kansas") by Plaintiff Celisha Towers. (referred to Magistrate Judge Teresa J. James) (kas) (Entered: 12/02/2021)
12/02/2021	<u>10</u>	DOCKET ANNOTATION: Plaintiff Celisha Towers is a registered pro se participant with ECF Notifications Only. (gw) (Entered: 12/02/2021)
12/02/2021	<u>11</u>	ORDER denying <u>9</u> Motion for Reconsideration, filed by Celisha Towers. The Court's earlier order remanding this case to state court (Doc. 3) stands. The Court directs the Clerk of Court to ensure that Plaintiff's recent filings are provided to the District Court of Wyandotte County, Kansas. Signed by District Judge Holly L. Teeter on 12/2/2021. (kas) (Entered: 12/02/2021)

12/02/2021			NOTICE Re: Mailing. Documents <u>6</u> MOTION for Order and <u>8</u> Amended MOTION for Order filed by Celisha Towers mailed to Wyandotte County District Court on 12/2/2021 by certified mail; Certified Tracking Number 7018 0680 0001 8173 8752 per <u>11</u> Order. (kas) (Entered: 12/02/2021)
12/03/2021	<u>12</u>		NOTICE OF APPEAL as to <u>3</u> Order by Plaintiff Celisha Towers. (heo) (Entered: 12/03/2021)
12/03/2021	<u>13</u>		MOTION for Leave to Appeal in forma pauperis by Plaintiff Celisha Towers. NOTE Access to document is restricted pursuant to the Courts privacy policy. (referred to Magistrate Judge Teresa J. James) (Attachments: # <u>1</u> Affidavit)(heo) (Entered: 12/03/2021)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CELISHA TOWERS,

Plaintiff,

v.

DANIEL SOPTIC, et al.,

Defendants.

Case No. 2:21-cv-02564-HLT-TJJ

ORDER

Pro se Plaintiff Celisha Towers¹ initially filed this case in Kansas state court. Plaintiff subsequently filed a notice of removal. Doc. 1. The notice cites 28 U.S.C. § 1441 as grounds for removal. *Id.* at 2.

Under 28 U.S.C. § 1441(a), certain cases initially brought in state court “may be removed by the defendant or the defendants” But the statute does not permit removal by a plaintiff. *See Montero v. Tulsa Airport Improvements Trust*, 770 F. App’x 439, 440 (10th Cir. 2019). Accordingly, the Court lacks jurisdiction and must remand this case to state court. *See id.* at 440-41 (directing the federal district court to remand case removed by plaintiff to state district court).

THE COURT THEREFORE ORDERS that this case is REMANDED to the District Court of Wyandotte County, Kansas. The Court directs the Clerk of Court to take all necessary steps to effectuate this remand.

IT IS SO ORDERED.

Dated: December 2, 2021

/s/ Holly L. Teeter

HOLLY L. TEETER

UNITED STATES DISTRICT JUDGE

¹ Because Plaintiff proceeds pro se, her pleadings are construed liberally and held to a less stringent standard, but the Court does not assume the role of advocate. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CELISHA TOWERS,

Plaintiff,

v.

DANIEL SOPTIC, et al.,

Defendants.

Case No. 2:21-cv-02564-HLT-TJJ

ORDER

Pro se Plaintiff Celisha Towers¹ initially filed this case in Kansas state court. Plaintiff subsequently filed a notice of removal. [Doc. 1](#). The Court then remanded the case because state-court cases may not be removed to federal court by a plaintiff. *See Montero v. Tulsa Airport Improvements Trust*, [770 F. App'x 439, 440](#) (10th Cir. 2019).

On the same day the Court remanded this case to state court, Plaintiff filed a supplement to the state-court record ([Doc. 5](#)), two motions to “dismiss” a filing in the state-court action (Docs. 6 and 8), an amended notice of removal ([Doc. 7](#)), and a motion asking the Court to reconsider its order remanding this case back to state court ([Doc. 9](#)).

Plaintiff’s motion to reconsider and amended notice of removal state that she asserts violations of the federal constitution and federal criminal statutes, which are federal questions over which this Court has jurisdiction, and that the Court has supplemental jurisdiction over her state-law claims. But even assuming that Plaintiff has asserted valid claims under federal law and related state-law claims over which the Court could exercise supplemental jurisdiction, there is no

¹ Because Plaintiff proceeds pro se, her pleadings are construed liberally and held to a less stringent standard, but the Court does not assume the role of advocate. *See Hall v. Bellmon*, [935 F.2d 1106, 1110](#) (10th Cir. 1991).

mechanism by which Plaintiff can remove those claims to federal court. *See Montero*, 770 F. App'x at 440. Accordingly, there are no grounds for the Court to reconsider its earlier order remanding this case to state court.

THE COURT THEREFORE ORDERS that Plaintiff's Motion for Reconsideration (Doc. 9) is DENIED. The Court's earlier order remanding this case to state court (Doc. 3) stands. The Court directs the Clerk of Court to ensure that Plaintiff's recent filings are provided to the District Court of Wyandotte County, Kansas.

IT IS SO ORDERED.

Dated: December 2, 2021

/s/ Holly L. Teeter
HOLLY L. TEETER
UNITED STATES DISTRICT JUDGE

FILED

DEC 03 2021

Clerk, U.S. District Court
By: *[Signature]* Deputy Clerk

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF KANSAS**

Celisha Towers,)
)
)
Plaintiff-Appellee,)
)
v)
)
Daniel Soptic,)
Gayle Townsend,)
Mary Gonzales,)
Tom Burroughs, and)
Unified Government of)
Wyandotte County and)
Kansas City, Kansas, et al, and,)
In his capacity as Wyandotte)
County Election Commissioner and)
in his individual Michael Abbott)
)
)
)
Defendant-Appelleant.)

District Court Case Number: 2:21CV-02564-HLT-TJJ

NOTICE OF APPEAL

This party, Celisha Towers, appeals from this judgement or order, to remand back to state court. Case No. 2:21cv-02564-HLT-TJJ, to the Court of Appeals of the State of Kansas.

KANSAS CITY, KANSAS 66106
CONTESTEE-DEFENDANT

MARY GONZALES
3721 S THOMPSON CIRCLE
KANSAS CITY, KANSAS 66103
CONTESTEE-DEENDANT



/S/ CELISHA TOWERS

Celisha Towers

Pro Se

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816-562-8973 or 913-717-9338

Towersforsheriff@gmail.com

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a copy of the foregoing MOTION TO DISMISS ORDER was served this day December 2, 2021, upon defendants that a true and correct copy was sent Email and US Mail to the following:

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AND SAME DATE A COPY WAS SERVED US MAIL:

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