

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

BEFAITHFUL COKER,

Plaintiff,

Case No. 3:22-cv-518-MMH-LLL

vs.

SLYVESTER WARREN, III, et al.,

Defendants.

_____/

ORDER

THIS CAUSE is before the Court on the Emergency Notice of Removal (Doc. 115; Notice) filed by Plaintiff Befaitful Coker on August 11, 2022. In the Notice, Plaintiff purports to remove to this Court various pending cases that she previously initiated in Florida state court. See generally Notice. Removal of civil actions from state court to federal court is governed by 28 U.S.C. § 1441. Pursuant to this statute,

[e]xcept as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

See 28 U.S.C. § 1441(a) (emphasis added). Pursuant to the plain language of the statute, Congress has restricted the right of removal solely to defendants.

See Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 104-09 (1941). Because Plaintiff, not Defendants, attempted to affect a removal here, the removal is not authorized under the statute. Accordingly, the Emergency Notice of Removal is due to be stricken.¹ In light of the foregoing, it is

ORDERED:

The Emergency Notice of Removal (Doc. 115) is **STRICKEN**.

DONE AND ORDERED at Jacksonville, Florida this 11th day of August, 2022.


MARCIA MORALES HOWARD
United States District Judge

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Copies:

Counsel of Record
Pro Se Parties

Clerk of the Circuit Court,
Third Judicial Circuit, in and for
Columbia County, Florida

¹ Even if Plaintiff's purported removal were permitted, a party cannot remove a state court action into a pending case. Rather, a removing party must initiate a new civil action and pay the filing fee. For this additional reason, the Notice is improperly filed in this action and due to be stricken.