

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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STEVEN J. PEPLINSKI,

Plaintiff,

v.

TERRY COLLINS, ROBERT DUELLMAN,  
VINCE HOWE/subrogated;  
DIANE McMAHON, GARY REDSTEN,  
RICHARD SACIA and ANN SEAGO,

Defendants.  
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ORDER

06-C-733-C

On November 15, 2006, plaintiff filed this action in the Trempealeau County, Wisconsin Circuit Court. Defendants removed the case to this court on December 14, 2006 by filing a notice of removal pursuant to 28 U.S.C. § 1441 and 1446. Subsequently, defendants answered plaintiff's complaint. As soon as Trempealeau County forwards the record of the case to this court, a preliminary pretrial conference will be scheduled to be held by telephone before United States Magistrate Stephen Crocker. Now, however, plaintiff has filed a document titled "Motion in Opposition to Notice of Removal," which I construe as a motion to remand the case to state court. That motion will be denied.

Plaintiff argues that the defendants failed to move for a stay of proceedings in the Trempealeau County Circuit Court or obtain permission to have his case heard “outside the jurisdiction of the State of Wisconsin.” However, this case was properly removed to federal court. A case is removable if it falls within the original jurisdiction of the federal courts. 28 U.S.C. § 1441(a). Plaintiff’s amended complaint satisfies this standard because in addition to his allegations that defendants violated state law, plaintiff alleges that defendants violated his rights under the federal Constitution. Cases that contain claims arising under federal law are within the original jurisdiction of the federal courts. 28 U.S.C. § 1331.

#### ORDER

IT IS ORDERED that plaintiff’s motion to remand this case to the Trempealeau County Circuit Court is DENIED.

As soon as the record of this case is received from the Trempealeau County court, the clerk is requested to schedule a preliminary pretrial conference before United States Magistrate Judge Stephen Crocker at which a trial date may be set and deadlines established

for moving this case to resolution.

Entered this 8th day of January, 2007.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge