

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

DAWON JONES,

OPINION and ORDER

Plaintiff,

10-cv-633-bbc

v.

JEFFREY PUGH, Warden;
KEN MILBECK, Unit Supervisor;
C. ANDERSON, Social Worker;
and SATRURICS,

Defendants.

I dismissed the complaint in this prisoner civil rights case in an order dated December 23, 2010, for plaintiff's failure to state a claim upon which relief may be granted. Dkt. #10. Judgment was entered on December 27, 2010. Dkt. #12. Now plaintiff has filed a motion in which he asks the court to "reclassif[y]" his lawsuit as a petition for a writ of certiorari and transfer the case to state court.

This court does not have authority to grant plaintiff's request. The only instance in which a federal district court may send a case to state court is when the plaintiff filed the case in state court originally and the defendants improperly removed the case to federal court

under 28 U.S.C. §§ 1441 and 1446. Because plaintiff filed his complaint in this court originally, there is no mechanism for a remand. If plaintiff wishes to proceed with a petition for a writ of certiorari, he will have to file that petition himself in state court. I am returning to plaintiff his complaint and the documents attached to it.

ORDER

IT IS ORDERED that plaintiff Dawon Jones's "Motion for Reconsideration and Reclassified as a Writ of Certiorai," dkt. #13, is DENIED.

Entered this 6th day of January, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge