

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

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JOHN JAAKKOLA,

Plaintiff,

v.

KRIST OIL CO. and AUTO  
OWNERS INS.,

Defendants.  
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ORDER

02-C-669-C

Petitioner John Jaakkola has filed a document titled “Petition for Removal” and a petition for leave to proceed in this court in forma pauperis. Although the removal petition is difficult to understand, it appears from documents attached to it that petitioner is the plaintiff in a case currently pending in a state trial court in Michigan involving a traffic accident. Apparently, petitioner wishes to remove his case to this court because he feels he is not being treated fairly by the state trial judge and because the defendants are not adequately responding to his discovery requests.

Petitioner cannot remove the case he filed in Michigan state court to this court. As an initial matter, a *plaintiff* cannot remove a case he filed in state court to federal court. The

general federal removal statute allows only defendants, not plaintiffs, to remove a case. See 28 U.S.C. § 1441(a), 1446(a); 12 Moore's Federal Practice, § 107.11[2] (Matthew Bender 3d ed.) (noting that “a plaintiff who elected state court jurisdiction when filing the complaint may not subsequently remove the action to federal court”). Moreover, it would be improper under any circumstances to remove a case pending in a Michigan state court to this court because a removal petition must be filed “in the district court of the United States for the district and division within which such [state] action is pending.” 28 U.S.C. § 1446(a); 12 Moore's Federal Practice, § 107.13. In short, petitioner’s case is not removable to this court. Because petitioner has not filed with this court all the documents required by the federal removal statute, it is difficult to discern from which precise Michigan trial court this case was removed. However, it appears from plaintiff’s caption that it was removed from the circuit court for Gogebic County, Michigan. Accordingly, IT IS ORDERED that the case removed by petitioner John Jaakkola is REMANDED to the circuit court for Gogebic County, Michigan.

Entered this 13th day of December, 2002.

BY THE COURT:

BARBARA B. CRABB  
District Judge