

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

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TODD A. LODHOLZ,

Plaintiff,

v.

STEPHEN M. PUCKETT,  
CORRECTIONS CORPORATION OF  
AMERICA, KAY HIGGINS, JOHN DOE(S),

Defendants.  
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ORDER

03-C-350-C

Plaintiff is proceeding in this action on a claim that defendants were deliberately indifferent to his serious medical needs in violation of his Eighth Amendment rights. In orders dated July 16, 2003 and August 15, 2003, Judge Crabb declined to take supplemental jurisdiction over plaintiff's unrelated claim that his transfer to an Oklahoma prison violated an Oklahoma statute prohibiting private prisons in that state from housing out-of-state prisoners being held on misdemeanor convictions. Now plaintiff has filed a document titled "Motion to Remand," in which he asks that the court "remand" his state law claim to the "state court of Dane County."

A motion to remand is appropriate in circumstances where the plaintiff files his

complaint originally in state court and the defendants remove it to federal court. Under this circumstance, a plaintiff has 30 days from the date he receives notice of the removal in which to move the federal court to remand his case to the state court. For example, a plaintiff may move to remand the case on the ground that the defendants failed to comply with the procedural requirements for removal set out in 28 U.S.C. § 1446. Here, however, plaintiff did not file his case originally in a Dane County circuit court and the defendants did not remove it to this court. Plaintiff filed his complaint directly with this court on June 30, 2003, when he paid the \$150 filing fee. Therefore, an order of remand would not be proper. Construing plaintiff's motion to remand as a request that this court make a copy of his complaint and file it with the Dane County Circuit Court, the request will be denied. If plaintiff wishes his state law claim heard, he will have to raise it in a separate lawsuit and file the lawsuit in the appropriate state court.

#### ORDER

IT IS ORDERED that plaintiff's motion to remand, construed as a request that this

court make a copy of his complaint and file it for him in the Dane County Circuit Court is DENIED.

Entered this 4th day of September, 2003.

BY THE COURT:

STEPHEN L. CROCKER  
Magistrate Judge