

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

BILLY "BRADDY" ROMERO RICALDE,

Plaintiff,

v.

C.A. No. 06-520T

JESSIE KENDALL,

Defendant.

ORDER GRANTING MOTION FOR REMAND AND DENYING MOTION TO AMEND

Plaintiff's Motion to Remand is hereby GRANTED and the Defendant's Motion to Amend Notice and Petition for Removal is DENIED for the following reasons: (1) there is no federal question jurisdiction in this case; (2) the Defendant is a citizen of Rhode Island and therefore is not entitled to removal under 28 U.S.C. § 1441(b); (3) the Defendant waived any right to remove by asserting counterclaims in the state action; and (4) the amendment would be futile.

Plaintiff may have ten days to file a motion for attorneys fees.

IT IS SO ORDERED:



Senior Judge Ernest C. Torres

Date: January 9, 2007