

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PEOPLE OF THE STATE OF MICHIGAN,

Case No. 13-13129

Plaintiff,

SENIOR UNITED STATES DISTRICT
JUDGE ARTHUR J. TARNOW

v.

SHARON BRIDGEWATER,

MAGISTRATE JUDGE MICHAEL J. HLUCHANIUK

Defendant.

ORDER FOR SUMMARY REMAND

I. Introduction

The matter before this Court is pro se Defendant Sharon Bridgewater's Notice of Removal [1] and Application to Proceed *In Forma Pauperis* [5] filed on July 22, 2013. Defendant attempts to remove her criminal prosecution from the State of Michigan 14A2 Judicial District Court to this Court. For the reasons below, the criminal matter is remanded to the state court.

II. Background

The criminal case that Defendant seeks to remove was filed in the State of Michigan 14A2 Judicial District Court on October 5, 2012. The case was named *State of Michigan v. Sharon Bridgewater*, and was assigned case number 122-1929. Defendant was charged with resisting and obstructing an officer.

III. Analysis

Criminal defendants can remove their state prosecutions to federal court under 28 U.S.C. § 1443 in certain limited circumstances. Pursuant to 28 U.S.C. § 1443(1), a criminal action commenced in a state court may be removed by a defendant to the district court if it is an action “[a]gainst any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof.” Alternatively, pursuant to 28 U.S.C. § 1443(2), a case may be removed “[f]or any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.”

Defendant’s case does not warrant removal under either subsection of 28 U.S.C. § 1443. The first subsection has been construed narrowly to apply only to “specific civil rights stated in terms of racial equality.” *Georgia v. Rachel*, 384 U.S. 780, 792 (1966). Defendant does not make reference to racial discrimination nor has she shown that she cannot enforce her rights in state court. The second subsection also does not provide a basis for Defendant’s removal, as Defendant does not allege that she is being prosecuted because she has acted or refused to act on the basis of a “law providing for equal rights.” Moreover, the Supreme Court has interpreted this subsection to apply only to “state officers.” *City of Greenwood, Miss. v. Peacock*, 384 U.S. 808, 824 (1966).

The district court in which a notice of removal is filed is to “examine the notice promptly” and, “[i]f it appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.” 28 U.S.C. § 1455(b)(4). After examining the Notice of Removal [1] and its attachments, this Court concludes that removal is improper and this action should be summarily remanded to the State of Michigan 14A2 Judicial District Court.

IV. Conclusion

For the reasons above, the Court summarily **REMANDS** this case to the state court.

IT IS FURTHER ORDERED that the Application to Proceed *In Forma Pauperis* [5] is **MOOT**.

SO ORDERED.

s/Arthur J. Tarnow
ARTHUR J. TARNOW
SENIOR U.S. DISTRICT JUDGE

Dated: August 19, 2013

CERTIFICATE OF SERVICE

I hereby certify on August 19, 2013 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on August 19, 2013: **Sharon Bridgewater**.

s/Michael E. Lang
Case Manager to
District Judge Arthur J. Tarnow
(313) 234-5182