

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BASHER AHMAD d/b/a PACIFIC : CIVIL ACTION
LAND EXCHANGE :
 :
 :
 v. :
 :
 :
 ALFREDA ARMSTRONG a/k/a :
 ALFREDA DUNN : NO. 97-2583

MEMORANDUM ORDER

Defendant Armstrong filed a notice of removal of an action with the above caption from the Philadelphia Court of Common Pleas.

Pro se defendant's notice of removal does not contain "a short and plain statement of the grounds for removal" or " a copy of all process, pleadings, and orders" served upon defendant in the state court action as required by 28 U.S.C. § 1446(a). From what can be discerned of record, however, it appears that this court does not have subject matter jurisdiction.

The removal was triggered by the filing of a petition in the Common Pleas Court on March 30, 1997 by plaintiff seeking a judgment against defendant for \$25,578 under a promissory note. Assuming that the citizenship of the parties is diverse, the amount in controversy is less than \$75,000. See 28 U.S.C. § 1332(a). To the extent that pro se defendant may be attempting not only to resist the demand for a \$25,578 judgment but also to set aside an earlier judgment entered by the Common Pleas Court against her in favor of plaintiff on September 7, 1995, the court lacks jurisdiction by virtue of the Rooker-Feldman doctrine. See

FOCUS v. Allegheny County Court of Common Pleas, 75 F.3d 834, 840
(3d Cir. 1996).

While the foregoing is dispositive, the court notes that a remand would also appear to be in defendant's own interest. Subsequent to the filing of the removal notice, plaintiff's counsel informed the court in writing that plaintiff would file a Praecipe withdrawing the judgment obtained in the Common Pleas Court against defendant and voluntarily dismiss the underlying state court action against her.

ACCORDINGLY, this day of August, 1997,
consistent with 28 U.S.C. § 1447(c), **IT IS HEREBY ORDERED** that
the above action is **REMANDED** to the Philadelphia Court of Common
Pleas.

BY THE COURT:

JAY C. WALDMAN, J.