

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STATE OF FLORIDA,

Plaintiff,

v.

Case No: 8:24-cv-01442-KKM-AAS

MARQUIS JAMAAL WHITE,

Defendant.

ORDER

Marquis Jamaal White removes his pending state criminal proceeding. White claims “federal question” jurisdiction based on several federal regulations and a treaty between the United States and Morocco. *See* (Doc. 1) at 2–3.

Under 28 U.S.C. § 1455(b)(4), a federal court must remand summarily “[i]f it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted.” The absence of jurisdiction is clear on the face of White’s notice of removal. White cites § 1455, several federal regulations, and Article III of the Constitution. (Doc. 1) at 2–3. This smattering of authorities fails to include even a plausible ground for removing a state criminal prosecution to federal court. For example, § 1455 governs removal procedure but provides no substantive basis for removal. And the

federal question statute, 28 U.S.C. § 1331, applies to civil cases. White neither cites nor discusses 28 U.S.C. §§ 1442, 1442a, and 1443, the criminal removal provisions. White's failure to "include all grounds for . . . removal . . . that exist at the time of the filing of the notice" generally constitutes "a waiver of such grounds." 28 U.S.C. § 1455(b)(2).

Because no stated ground for removal applies to a criminal case and because White has waived any unstated ground, "it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted." 28 U.S.C. § 1455(b)(4).

CONCLUSION

1. The Clerk must **REMAND** this action to the Circuit Court for Hillsborough County, Florida, and transmit a certified copy of this order to the clerk of that court.
2. The Clerk must **TERMINATE** any pending motion and deadline.
3. The Clerk must **CLOSE** this case.

ORDERED in Tampa, Florida, on June 26, 2024.

/s/ Steven D. Merryday _____
STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE*

* Signed by Judge Steven D. Merryday to expedite the resolution of this motion. This case remains assigned to Judge Kathryn Kimball Mizelle.