

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

GARRY GREGG,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:07-CV-01131-WKW
	)	[wo]
J. WALTER WOODS, JR., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This case is before the court on plaintiff’s Emergency Motion for a Temporary Restraining Order (“TRO”), which defendants removed from state court; there is no complaint before the court. On December 21, 2007, plaintiff filed the motion for a TRO in Circuit Court of Montgomery County, Alabama, and stated he would file a complaint on December 26, 2007. (Emergency Motion ¶ 9.) When the defendants removed the case on December 28, 2007, they asserted that “[c]opies of all processes, pleadings, and orders are attached hereto.” (Notice of Removal ¶ 5.) The court finds that remand is proper because this action was not removable as no complaint has been filed.

A district court shall remand a case “[i]f at any time before final judgment it appears that the district court lacks subject matter jurisdiction.” 28 U.S.C. § 1447(c). The removal statute provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants.” 28 U.S.C. § 1441. A civil action “is commenced by filing a complaint with the

