

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

COUNTRYWIDE HOME LOANS
SERVICING L.P.,
Plaintiff,

v.

No. 09-1028-JTM

BYRON FITCHPATRICK,
et al.
Defendants.

MEMORANDUM AND ORDER

This matter is before the court on the plaintiff Countrywide Home Loans Servicing L.P.'s ("Countrywide") motion for remand. (Dkt. No. 8). Defendant United States of America filed its response indicating no objection. (Dkt. No. 9).

In Case No. 09CV0037, Countrywide named the United States of America as a party defendant in a civil action filed in the District Court of Sedgwick County, Kansas. The United States of America filed a notice of removal pursuant to 28 U.S.C. § 1446.

1017 North Pershing, Wichita, Kansas 67208 is the subject property in Case No. 09CV0037, and in a civil forfeiture proceeding *in rem* in Case No. 06-1045-JTM. This court issued an order dismissing the subject property from Case No. 06-1045-JTM on June 15, 2010, on the United States' motion. (Dkt. No. 193). The United States no longer maintains an interest in the subject property; therefore, this court lacks jurisdiction.

IT IS ACCORDINGLY ORDERED this 20th day of August, 2010, that the plaintiff's motion for remand (Dkt. No 8) is granted.

s/J. Thomas Marten
J. THOMAS MARTEN, JUDGE