

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

STUART N. AULD,

Plaintiff,

v.

Case No. 13-2031-JTM

SUN WEST MORTGAGE COMPANY,
INC., et al.,

Defendant.

MEMORANDUM AND ORDER

The court has before it petitioner Stuart N. Auld's Motion to Reconsider, Amend, or Set Aside (Dkt. 19) the court's Order entered on February 22, 2013. In the Order challenged by Auld (Dkt. 17), the court remanded the case to Johnson County District Court after finding that it had been improperly removed.

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise," except in particular circumstances which are not applicable here. *See* 28 U.S.C. § 1447(d) (2006). A district court cannot reconsider a remand order after dismissing it for lack of jurisdiction under § 1447(c). *Aetna U.S. Healthcare, Inc. v. Hoechst Aktiengesellschaft*, 67 F. Supp. 2d 1242, 1244 (D. Kan. 1999). The court remanded the case for lack of subject matter jurisdiction because of defects in Auld's removal. The court also ordered up to \$2,500 of fees and expenses against Auld under 28 U.S.C. § 1447(c) for this improper removal. As a result, the court's decision to remand is not reviewable. Therefore, the court dismisses Auld's Motion for lack of subject matter jurisdiction.

IT IS THEREFORE ORDERED this 8th day of April, 2013, that Auld's Motion to Reconsider (Dkt. 19) is dismissed.

IT IS ALSO ORDERED that Auld's Emergency Motion to Stay (Dkt. 28) is denied as moot.

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