

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ARCHIE R. HENDERSON,)
)
 Plaintiff,)
 v.)
)
 KEITH R. HOLLINGSHEAD, AND)
 FIVE STAR TRUCKING, LLC,)
)
 Defendants.)
 _____)

Case No. 18-2551-CM-JPO

MEMORANDUM AND ORDER

Plaintiff Archie R. Henderson filed this personal injury action in the District Court of Johnson County, Kansas against defendants Keith R. Hollingshead and Five Star Trucking, LLC. Defendants removed the action to this court, citing diversity jurisdiction as the sole basis for subject matter jurisdiction. *See* 28 U.S.C. § 1332.

On October 18, 2018, the court ordered defendants to show cause why this court had diversity jurisdiction over the case. Defendants responded the next day, and plaintiff also moved to remand the case to state court (Doc. 7). In plaintiff's motion, he argued that the forum defendant rule precludes removal to this court because defendants are Kansas residents. *See* 28 U.S.C. § 1441(b)(2).

In response to plaintiff's motion, defendants filed a Stipulation to Remand (Doc. 8) (which was actually filed as a motion), agreeing that the matter should be remanded to the District Court for Johnson County, Kansas.

The court determines that this case should be remanded, and therefore grants both motions.

IT IS THEREFORE ORDERED plaintiff's Motion to Remand (Doc. 7) and defendants' motion titled "Stipulation to Remand" (Doc. 8) are granted. This case is remanded to the District Court for Johnson County, Kansas.

Dated this 31st day of October, 2018, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge