

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

DAVID ALVEY, DVA MAYOR/CEO)
UNIFIED GOVERNMENT OF WYANDOTTE)
COUNTY, KANSAS CITY, KANSAS,)
)
Plaintiff,)
)
v.)
)
MICHELLE AVERY BEY,)
)
Defendant.)
_____)

CIVIL ACTION
No. 19-2059-KHV

ORDER TO SHOW CAUSE

The Unified Government originally filed this tax sale action in the District Court of Wyandotte County, Kansas. On February 4, 2019, Michelle Avery Bey attempted to remove the case to this Court, purportedly based on federal question jurisdiction under 28 U.S.C. §§ 1331, 1441 and 1446. See Notice Of Removal (Doc. #1) at 1.

The Court has an independent obligation to raise jurisdictional issues sua sponte where necessary. See Kontrick v. Ryan, 540 U.S. 443, 455 (2004); Fed. R. Civ. P. 12(h)(3) (if court determines at any time that it lacks subject-matter jurisdiction, it must dismiss action). A defendant may remove a state court civil action if plaintiff originally could have brought the action in federal court. 28 U.S.C. § 1441(a); see Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987). Because the face of the Unified Government’s complaint does not establish federal question jurisdiction, it appears that this Court lacks jurisdiction. See Caterpillar, 482 U.S. at 392. **On or before July 29, 2019, defendant shall show good cause in writing why this matter should not be remanded for lack of jurisdiction to the District Court of Wyandotte County, Kansas. On or before August 2, 2019, plaintiff may file a response.**

IT IS SO ORDERED.

Dated this 22nd day of July, 2019 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge