

**ENTERED**

June 15, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**JONATHAN L DAVIS,**

**Plaintiff,**

**VS.**

**STATE OF TEXAS, et al,**

**Defendants.**

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**CIVIL ACTION NO. 4:18-CV-0414**

**ORDER REMANDING CASE AND AWARDING COSTS**

Pending before the Court is the Motion to Remand (**Instrument No. 13**) filed by Defendant Amy Woodard Davis. The Motion to Remand is **GRANTED**, and this case is **REMANDED** to the 308th Judicial District Court of Harris County, Texas.<sup>1</sup>

Petitioner Jonathan L. Davis, who is proceeding *pro se*, has removed these post-divorce child support and child custody proceedings. The removal was defective, untimely and moreover, this Court does not have subject matter jurisdiction over the claims raised by Petitioner. Petitioner's removal is nothing more than another brazen attempt by Mr. Davis to interfere with child support enforcement proceedings. Mr. Davis removed this case three days before the matter was scheduled to be tried in state court. This conduct has become part of an obvious pattern of challenging the enforcement of his child support obligation.


<sup>1</sup>The state court cause number is 2006-73958.

Subsequent attempts by Mr. Davis to remove this case will be met with severe monetary sanctions under Rule 11 of the Federal Rules of Civil Procedure. Defendant Amy Woodard Davis' request for costs and fees under 28 U.S.C. § 1447(c) is **GRANTED**. An award of costs under Section 1447(c) may include any “fees and costs incurred in federal court that would not have been incurred had the case remained in state court.” *Avitts v. Amoco Production Co.*, 111 F.3d 30, 32 (5th Cir. 1997). Courts may award attorney’s fees under Section 1447(c) where the removing party lacked an objectively reasonable basis for seeking removal and, in particular, where the only possible motives for removal are delaying litigation and imposing costs on the opposing party. *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 140–41 (2005). Costs and fees are awarded in the amount of \$2500.00.

Respondent’s Motion to Remand is **GRANTED**. The case is **REMANDED** to the 308<sup>th</sup> Judicial District Court of Harris County, Texas. Fees and costs are awarded to Defendant Amy Woodard Davis in the amount of **\$2500**.

The Clerk is directed to provide a copy of this order to the parties.

**SIGNED** on this the 15<sup>th</sup> day of June, 2018, at Houston, Texas.

  
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**VANESSA D. GILMORE**  
**UNITED STATES DISTRICT JUDGE**