

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

MORGAN MICHELLE MYERS,

§

Plaintiff,

§

v.

Civil Action No. 4:24-CV-01185-O

CHARLES DUSTIN MYERS,

§

Defendant.

§

ORDER

Before the Court is Defendant Charles Myers's Notice of Removal (ECF No. 1), filed December 4, 2024. Defendant removed this case to federal court, citing "deprivation of constitutionally protected rights under the 14th Amendment." ECF No. 1-1. The removal statute allows a defendant to "remove a state court action to federal court only if the action could have originally been filed in federal court." 28 U.S.C. § 1441(a); *Anderson v. Am. Airlines, Inc.*, 2 F.3d 590, 593 (5th Cir. 1993).

In his Notice of Removal, Defendant appears to argue that the divorce and child custody orders entered against him in state court are unconstitutional. ECF No. 1. Essentially, Defendant asks this Court to review a state court decision. ECF No. 1 at 5. But federal district courts do not have authority to review state court decisions. "A basic precept of our federal system is that federal courts do not exercise authority over the proceedings of a sovereign state's judiciary as it relates to that state's laws." *Turner v. GoAuto Ins. Co.*, 33 F.4th 214, 216 (5th Cir. 2022).

Nor can Defendant create a federal question when one does not appear on the face of a well-pleaded complaint. "Under the well-pleaded complaint rule, a federal court does not have federal question jurisdiction unless a federal question appears on the face of the plaintiff's well-

pledged complaint.” *Bernhard v. Whitney Nat'l Bank*, 523 F.3d 546, 551 (5th Cir.2008). Defendant admits there is no federal question on the face of the complaint, and an independent review of it confirms this admission. ECF No. 1 at 4.

Accordingly, it is **ORDERED** that this case be **REMANDED** to the 322nd Judicial District Court of Tarrant County, Texas for lack of subject matter jurisdiction. The Clerk of Court is **DIRECTED** to return this case using the standard protocol.

SO ORDERED on this **6th day of December, 2024.**



Reed O'Connor
UNITED STATES DISTRICT JUDGE