UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

GUIDANCE RESIDENTIAL LLC	:	
Plaintiff,	:	
	:	Ν
v.	:	
	:	
MOHAMED A. MAH,	:	
Defendant.	:	
	:	
	:	
	:	
	:	

No. 3:18-CV-01169 (VLB)

July 17, 2018

RULING AND ORDER

Before the Court is the Plaintiff's Motion for Remand concerning the same action which this Court remanded to state court on June 19, 2018. *See Guidance Residential, LLC v. Mah*, Case No. 3:18-CV-00902 (VLB), Dkt. No. 14. The Court denied Defendant's motion to reconsider that order. *Id.* at Dkt. No. 17.

Defendant's removal disregards this Court's prior remand and denial of reconsideration. Under the "law of the case" doctrine, "when a court has ruled on an issue, that decision should generally be adhered to by that court in subsequent stages in the same case unless cogent and compelling reasons militate otherwise." *Johnson v. Holder*, 564 F.2d 95, 99 (2d. Cir. 2009) (internal quotation marks omitted). A district court's remand order "'establishes the law of the case' with respect to the case's removability." *Bank of Am. v. Pastorelli-Cuseo*, Case No. 3:17-CV-01666 (SRU), 2017 WL 4678184, at *2 (D. Conn. October 17, 2017) (internal citations omitted). Defendant has not articulated any "cogent and compelling reasons" to depart from the Court's earlier ruling. Defendant still has not proven a basis for federal jurisdiction. If Defendant improperly removes this action again, the Court will issue an order to show cause why Defendant should not be held in contempt. *See* Fed. R. Civ. P. 70(e).

Therefore, Plaintiff's motion is GRANTED. Pursuant to 28 U.S.C. § 1447(c), Defendant is ordered to pay costs and expenses, including attorneys' fees, incurred as a result of this removal. The case is remanded to state court and the Clerk is directed to close this file.

IT IS SO ORDERED

/s/_____

Hon. Vanessa L. Bryant United States District Judge

Dated at Hartford, Connecticut: July 17, 2018