

ENTERED

April 24, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

SCOTT MOMPER,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 3:18-CV-109
	§	
STATE OF TEXAS, <i>et al</i> ,	§	
	§	
Respondents.	§	

ORDER REMANDING CASE AND AWARDED COSTS

Pending before the Court is the motion to remand filed by Amadonna Momper (“Amadonna”). The motion to remand (Dkt. 16) is **GRANTED**, and this case is remanded to the 306th Judicial District Court of Galveston County, Texas.¹ The Court will also **GRANT** Amadonna’s request for costs and fees.

This is the third time that Scott Momper (“Scott”), who is proceeding *pro se*, has tried to remove these divorce and child custody proceedings. *See* Southern District of Texas Case Numbers 3:17-CV-63 and 3:17-CV-295. The other two attempts were defective and untimely and failed to establish that this Court has subject matter jurisdiction; this attempt is no different. Beyond that, Amadonna’s motion to remand, along with judicially noticeable public records, demonstrates that this third notice of removal is nothing more than another brazen attempt by Scott to stop the divorce and child custody proceedings from going to trial—Scott removed this case three days before the matter was scheduled to be tried before the bench in state court. This conduct has

¹ The state-court cause number is 16-FD-3187.

become part of an obvious pattern of stalling and delay: Scott's second attempt to remove the case was filed on the day of a scheduled bench trial. *See* Southern District of Texas Case Number 3:17-CV-295 at Dkt. 17.

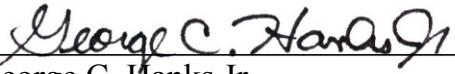
The Court's patience is at an end. A fourth attempt by Scott to remove this case will be met with severe monetary sanctions under Rule 11 of the Federal Rules of Civil Procedure. As it is, the Court will grant Amadonna's request for costs and fees under 28 U.S.C. § 1447(c). An award of costs under Section 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 plaintiff. *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 140–41 (2005). Such are manifestly the circumstances here, and as a result **Amadonna may submit affidavits and other documentation establishing the aggregate amount of costs and expenses, including attorney's fees, associated with this improper removal by May 15, 2018.**

Amadonna's motion to remand (Dkt. 16) is **GRANTED**. This case is **REMANDED** to the 306th Judicial District Court of Galveston County, Texas.² The Clerk is directed to provide a copy of this order to the parties. The Clerk is further directed to send a certified copy of this order via certified mail, return receipt requested,

² The state-court cause number is 16-FD-3187.

to the District Clerk of Galveston County, Texas and the Clerk of the 306th Judicial District Court of Galveston County, Texas.

SIGNED at Galveston, Texas, this 24th day of April, 2018.



George C. Hanks Jr.
United States District Judge