

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAZDAK TAGHIOSKOUI, PH.D.,)

Plaintiff,)

v.)

THE GEORGE WASHINGTON UNIVERSITY)

and)

AKBAR MONTASER, PH.D.)

Defendants.)

Civil Case No. 12-1740 (RJL)

MEMORANDUM ORDER

(May 28 2013; Dkts. ##5, 7, 12)

Plaintiff, Mazdak Taghioskoui, brings various claims against Defendants, George Washington University (“GWU”) and Akbar Montaser, which arise out of his graduate work at GWU. Plaintiff filed this suit in the Superior Court of the District of Columbia (“Superior Court”) on September 4, 2012. Mr. Montaser removed the case to this Court on October 25, 2012. [Dkt. #1]. Defendants have moved to dismiss the case, [Dkts. ##5, 12], and plaintiff has moved to remand the case to Superior Court [Dkt. # 5]. Upon consideration of the parties’ pleadings, relevant law, and the entire record herein, the Court GRANTS plaintiff’s Motion to Remand and DENIES as MOOT defendants’ motions to dismiss.

A civil action filed in state court may be removed to a federal district court for that district having original jurisdiction. 28 U.S.C. § 1441(a). However, a defendant in a non-federal-question case brought in state court may not remove the case to federal court if any of the defendants is a citizen of the forum state. 28 U.S.C. § 1441(b)(2). This rule, commonly referred to as the “forum defendant rule,” is procedural, not jurisdictional; therefore, a violation may be waived by mutual agreement of the parties. *See Kim v. National Certification Comm’n for Acupuncture and Oriental Medicine*, 888 F. Supp. 2d 78, 82 (D.D.C. 2012). Here, GWU is a citizen of the District of Columbia. Notice of Removal ¶ 7 [Dkt. #1]. Removal of the action from Superior Court to federal court was, therefore, improper under the forum defendant rule. Plaintiff did not agree to waive this defect in the removal process and timely filed this Motion to Remand.

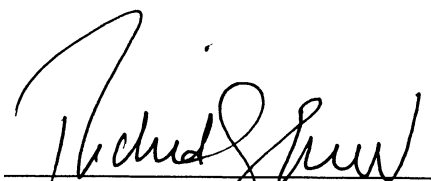
Accordingly, it is hereby

ORDERED that Plaintiff’s Motion to Remand [Dkt. #7] is **GRANTED**.

ORDERED that Defendant GWU’s Motion to Dismiss [Dkt. #5] is **DENIED** as **MOOT**.

ORDERED that Defendant Akbar Montaser’s Motion to Dismiss [Dkt. #12] is **DENIED** as **MOOT**.

SO ORDERED.


RICHARD J. LEON
United States District Judge