

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:11-cr-200-TWP-TAB
)	
JAQUELL DIXON,)	
)	
Defendant.)	

ENTRY AND NOTICE

This matter is before the Court on Defendant’s *pro se* Motion to Remand ([Filing No. 75](#)). The Motion was filed two years and three months after final judgment was entered on the Clerk’s docket ([Filing No. 65](#)). The judgment concluded this criminal prosecution through an adjudication of the Defendant’s guilt as to Count I of the Indictment and dismissal of Count 2 of the Indictment. This disposition was in conformity with the Court’s acceptance of the parties’ Plea Agreement filed on July 27, 2012 ([Filing No. 51](#)). The Plea Agreement followed the filing of an Indictment on October 19, 2011, the Defendant’s appearance on November 9, 2011, and various pretrial proceedings.

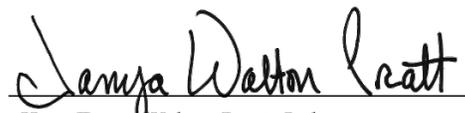
Defendant’s Motion to Remand makes reference to numerous subjects, but the only pertinent points at present are that: (1) “[s]ubject matter jurisdiction in every federal criminal prosecution comes from 18 U.S.C. § 3231, and there can be no doubt that Article III [of the United States Constitution] permits Congress to assign federal criminal prosecutions to federal courts. That’s the beginning and the end of the ‘jurisdictional’ inquiry.” *Hugi v United States*, 164 F.3d 378, 380 (7th Cir. 1999); and (2) the case cannot be remanded to a state court because it was not removed from state court. 28 U.S.C. § 1447(c); *see also, First Nat’l Bank of Pulaski v. Curry*,

301 F.3d 456, 467 (6th Cir. 2002) (“while a district court has the discretion to remand a case removed from state court, it may not remand a case that was never removed from state court”); *Balazik v. County of Dauphin*, 44 F.3d 209, 217 n.10 (3rd Cir. 1995) (reiterating “the unsurprising proposition that only removed cases may be remanded”).

Accordingly, Defendant’s Motion to Remand ([Filing No. 75](#)) is **DENIED**.

SO ORDERED.

Date: 1/27/2015

A handwritten signature in black ink that reads "Tanya Walton Pratt". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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