

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

June 28, 2019

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

DEBORAH SANT ROBINSON,

Plaintiff - Appellant,

v.

THE STATE OF NEW MEXICO;
SOCIAL SECURITY
ADMINISTRATION; US
DEPARTMENT OF ENERGY;
GERALDINE SANCHEZ, Clerk of
Santa Fe County; ALAN WEBER,
The Mayor of Santa Fe; ST.
VINCENT CHRISTUS REGIONAL
HOSPITAL; LIFE LINK HOUSING
AND SERVICES; LOS ALAMOS
ASSOCIATION OF REALTORS,
Board and Members; LOS ALAMOS
MEDICAL CENTER; UNIVERSITY
OF NEW MEXICO, UNM-LA; TIM
KELLER, The Mayor of
Albuquerque; LINDA STOVER,
Clerk of Bernalillo County;
JAIVAIR LNU, Mayor of Espanola;
MOISES MOLIAS; LOS ALAMOS
NATIONAL SECURITY LLC; NEW
MEXICO HEARINGS BUREAU,

Defendants - Appellees.

No. 18-2179
(D.C. No. 1:18-CV-00665-WJ-LF)
(D. N.M.)

ORDER AND JUDGMENT*

* Oral argument would not materially help us to decide this appeal. We have thus decided the appeal based on the plaintiff's appellate brief and the record on appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G).

Before **HOLMES, BACHARACH, and McHUGH**, Circuit Judges.

Ms. Deborah Sant Robinson appeals the dismissal of this case. We dismiss the appeal as frivolous.

The federal statutes governing removal allow a *defendant* in a *state court action* to remove a state court case to federal court in limited circumstances. *See* 28 U.S.C. §§ 1441, 1446. Ms. Robinson removed five cases to federal court. As the district court correctly explained, none of the cases were removable. In two of the cases, Ms. Robinson was the plaintiff; and plaintiffs are not entitled to remove cases to federal court. *See Hamilton v. Aetna Life & Cas. Co.*, 5 F.3d 642, 643 (2d Cir. 1993) (per curiam) (“No section [of the United States Code] provides for removal by a plaintiff.”); *see also* 14C Charles Alan Wright, et al., *Federal Practice and Procedure* § 3730 (Rev. 4th. ed. 2018) (stating that “plaintiffs cannot remove” cases to federal court). A third case was already in federal court. And the other two cases were pending in administrative bodies rather than a state court. *See Or. Bureau of Labor & Indus. ex rel. Richardson v. U.S. W. Commc’ns, Inc.*, 288 F.3d 414, 419 (9th Cir. 2002) (“We therefore hold

This order and judgment does not constitute binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel. But the order and judgment may be cited for its persuasive value if otherwise appropriate. Fed. R. App. P. 32.1(a); 10th Cir. R. 32.1(A).

that 28 U.S.C. § 1441(a) does not authorize removal of proceedings from an administrative agency. . . .”).

Despite the explanation, Ms. Robinson appealed. She disregarded the district court’s explanation and failed to provide a meaningful argument for reversal. In the absence of a meaningful argument, we dismiss the appeal as frivolous. 28 U.S.C. § 1915(e)(2)(B)(i); *see Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (stating the standard for legal frivolousness).

Given the absence of a nonfrivolous argument for reversal, we also deny leave to proceed in forma pauperis. *See DeBardeleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991) (requiring inability to pay and a reasoned, nonfrivolous argument in support of the issues on appeal). We thus order Ms. Robinson to pay the filing fees of \$505.00.¹

Entered for the Court

Robert E. Bacharach
Circuit Judge

¹ Ms. Robinson is to pay these fees to the Clerk of the U.S. District Court for the District of New Mexico.