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DISTRICT IV

February 12, 2015

To:

Hon. Maryann Sumi
Circuit Court Judge
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Pastori M. Balele
6777 Schroeder Road #4
Madison, WI 53711

You are hereby notified that the Court has entered the following opinion and order:

2014AP339

Pastori M. Balele v. Sears, Roebuck & Co. (L.C. # 2012CV514)

Before Blanchard, P.J., Lundsten and Higginbotham, JJ.

Pastori Balele appeals the circuit court's order that denied his motion to reopen a previously dismissed civil action that Balele had filed against Sears, Roebuck & Co. After reviewing the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2013-14).¹ We affirm.

The circuit court denied Balele's motion to reopen his case on the grounds that the court lacked jurisdiction to do so. The record shows that Sears filed a notice of removal of "all further proceedings" in the action to federal court. The federal court subsequently issued a decision

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

dismissing Balele's entire case with prejudice, without remanding any issues to the state court. Balele cites no authority that would undermine the basic proposition cited by Sears that, once a matter has been removed to federal court, the state court's jurisdiction ends and can be restored only by a remand from the federal court. *See, e.g., E.D. Sys. Corp. v. Southwestern Bell Tel. Co.*, 674 F.2d 453, 457-58 (5th Cir. 1982). In short, the circuit court's ruling that it lacked jurisdiction was plainly correct.

IT IS ORDERED that the order denying Balele's motion to reopen his civil case against Sears, Roebuck & Co. is summarily affirmed under WIS. STAT. RULE 809.21(1).

Diane M. Fremgen
Clerk of Court of Appeals