

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA

Rajiv Shashikant Shah v. Leon County Circuit Court

Shah · No. 4:25cv500-MW/MAF · Decided December 30, 2025

SUMMARY

The United States District Court for the Northern District of Florida adopted the Magistrate Judge’s recommendation and remanded Rajiv Shashikant Shah’s attempted removal of a Florida state criminal proceeding. The court held that Shah failed to satisfy the two-part test for removal under Georgia v. Rachel because he did not identify a formal expression of state law denying equal civil rights in state court.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida
WRITING FOR THE COURT	Mark E. Walker
JURISDICTION	United States District Court for the Northern District of Florida
DECIDED	December 30, 2025
DOCKET	4:25cv500-MW/MAF
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff removed a state criminal proceeding to federal court. After the Magistrate Judge recommended remand, Plaintiff objected, and the District Court reviewed the objections de novo and ordered remand.
STANDARD OF REVIEW	De novo review of the Plaintiff's objections to the Magistrate Judge's report and recommendation.
PRECEDENTIAL VALUE	unpublished
PARTIES	Rajiv Shashikant Shah v. Leon County Circuit Court

TOPICS

- civil procedure
- federalism
- civil rights
- criminal procedure

PRACTICE AREAS

- civil procedure
- criminal procedure
- civil rights
- federalism

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the two-part test for removal of a state criminal proceeding based on the denial of equal civil rights in state court.
2. Whether the existence of an allegedly selective prosecution constitutes a formal expression of state law denying Plaintiff equal civil rights for purposes of federal removal.

HOLDINGS

1. Plaintiff did not satisfy the two-part test for removal of a state criminal proceeding because he failed to identify a formal expression of state law that would deny him equal civil rights in state court.
2. The fact that Plaintiff is being prosecuted, even if he intends to assert a selective-prosecution defense, is not a formal expression of state law prohibiting enforcement of equality-based civil rights in state court.

KEY QUOTATIONS

“Plaintiff has not met the two-part test for removal of a state criminal proceeding under Georgia v. Rachel, 384 U.S. 780 (1966).” (Order at 1)

“In short, Plaintiff’s objections do not call into question the Magistrate Judge’s recommendation to remand this case for failure to meet the two-part test for federal removal.” (Order at 2)

FACTUAL BACKGROUND

Plaintiff faced state criminal charges for organized scheme to defraud, criminal use of personal identification, money laundering, and securities fraud. The charges were based on alleged fraudulent use of Social Security numbers and fingerprints and fraudulent notarization of documents connected to participation in Florida's Quota Alcoholic Beverage License Drawing.

PROCEDURAL HISTORY

The Magistrate Judge recommended remanding the removed state criminal proceeding because Plaintiff failed to satisfy the two-part test for removal under 28 U.S.C. § 1443 as articulated in *Georgia v. Rachel*. The District Court considered the report and recommendation without a hearing, reviewed Plaintiff's objections de novo, adopted the recommendation, remanded the case to the Circuit Court for the Second Judicial Circuit in and for Leon County, and closed the federal case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the Circuit Court for the Second Judicial Circuit in and for Leon County. The Clerk was directed to take all steps necessary to effect the remand and close the federal file.

CASES CITED

- Georgia v. Rachel, 384 U.S. 780 (1966)
- Cave v. Florida, 814 F. App'x 555, 556 (11th Cir. 2020)

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