

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)

## OPINION

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION RAJIV SHASHIKANT SHAH, Plaintiff, v. Case No.: 4:25cv500-  
MW/MAF LEON COUNTY CIRCUIT COURT, Defendant. \_\_\_\_\_/  
ORDER ACCEPTING REPORT AND RECOMMENDATION This Court has considered, without  
hearing, the Magistrate Judge's Report and Recommendation, ECF No. 5, and has also reviewed  
de novo Plaintiff's objections, ECF No. 10.

As noted in the report and recommendation, Plaintiff has not met the two-part test for removal of a state criminal proceeding under Georgia v. Rachel, 384 U.S. 780 (1966). Plaintiff takes issue with the Magistrate Judge's recommendation that this case be remanded because Plaintiff has not identified a formal expression of state law that will deny him equal civil rights in state court.

Plaintiff contends that the very prosecution itself is selective and constitutes a "formal expression" because it substitutes "nationality and ethnicity as evidentiary predicates for fraud." ECF No. 10 at 2. But Plaintiff's argument is both nonsensical and disconnected from the facts as supported by the record.

Here, Plaintiff has been charged with organized scheme to defraud, criminal use of personal identification, money laundering, and securities fraud, based on the alleged fraudulent use of social security numbers and fingerprints and fraudulently notarizing documents for purposes of participating in Florida's Quota Alcoholic Beverage License Drawing. See ECF No. 8-1 at 6–12 (probable cause affidavit).

Although Plaintiff may wish to present a selective prosecution defense to his charges, the very fact that he is being prosecuted is not a "formal expression of state law" prohibiting the enforcement of any equality-based civil rights in state court. See Cave v. Florida, 814 F. App'x 555, 556 (11th Cir. 2020) (describing "exceptionally high" standard for federal removal statute).

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. Accordingly, IT IS ORDERED: The report and recommendation, ECF No. 5, is accepted and adopted, over the Plaintiff's objections, as this Court's opinion.

Accordingly, Plaintiff's case is REMANDED to the Circuit Court for the Second Judicial Circuit in and for Leon County. The Clerk shall take all steps necessary to effect the remand and close the file. SO ORDERED on December 30, 2025. s/Mark E. Walker United States District Judge

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