

**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

OPINION

SHAH

PER CURIAM.

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

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-northern-district-of-florida-united-states-district-court-for-t/2025/rajiv-shashikant-shah-v-leon-county-circuit-court-5d58zc80>