

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

62-64 Bank Street, LLC v. Carmine Amelio

Amelio · No. 3:25-cv-1994 (VAB) · Decided June 26, 2026

SUMMARY

The United States District Court for the District of Connecticut denies Carmine Amelio’s motion for reconsideration of the determination that the court lacks subject matter jurisdiction. The court rejects asserted bases for diversity jurisdiction, federal-question jurisdiction based on a counterclaim, and removal jurisdiction under 28 U.S.C. § 1443, and orders the case remanded to Connecticut Superior Court.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Victor A. Bolden
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	June 26, 2026
DOCKET	3:25-cv-1994 (VAB)
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant moved for reconsideration of the court's prior determination that it lacked subject matter jurisdiction over the removed case. The court denied reconsideration and remanded the case to the Connecticut Superior Court.
STANDARD OF REVIEW	Reconsideration is governed by a strict standard and generally requires the movant to identify controlling decisions or data that the court overlooked and that could reasonably be expected to alter the prior conclusion.
PRECEDENTIAL VALUE	unknown
PARTIES	Carmine Amelio v. 62-64 Bank Street, LLC

TOPICS

- motion for reconsideration
- subject matter jurisdiction
- civil procedure
- federalism

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Defendant satisfied the strict standard for reconsideration by identifying overlooked controlling law or evidence that would alter the prior jurisdictional ruling.
2. Whether the submitted deed and utility bill established Defendant's New York domicile for purposes of diversity jurisdiction under 28 U.S.C. § 1332.
3. Whether Defendant's counterclaim could establish federal-question jurisdiction over Plaintiff's complaint under 28 U.S.C. § 1331.
4. Whether Defendant established removal jurisdiction under 28 U.S.C. § 1443.

HOLDINGS

1. Reconsideration was properly denied because Defendant identified no controlling decision, overlooked evidence, or intervening change in law that could reasonably alter the prior conclusion that the federal court lacked subject matter jurisdiction.
2. The deed and utility bill did not establish Defendant's domicile in New York as of the relevant filing and removal dates; therefore, Defendant failed to establish diversity jurisdiction under 28 U.S.C. § 1332.
3. A counterclaim, even one based exclusively on federal substantive law, cannot provide federal-question jurisdiction over the plaintiff's complaint.
4. Defendant failed to establish removal jurisdiction under § 1443 because his claim did not involve specific civil rights stated in terms of racial equality, and the record did not show that Connecticut courts would deny or be unable to enforce those rights.

KEY QUOTATIONS

“The standard for granting [a motion for reconsideration] is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.” (70 F.3d at 257)

“federal jurisdiction [cannot] rest upon an actual or anticipated counterclaim.” (556 U.S. at 60, 62)

“First, it must appear that the right allegedly denied the removal petitioner arises under a federal law ‘providing for specific civil rights stated in terms of racial equality.’” (421 U.S. at 219)

FACTUAL BACKGROUND

Plaintiff brought a state-court complaint that Defendant attempted to remove to federal court. To support diversity jurisdiction, Defendant submitted a New York property deed and a utility bill, but the utility bill postdated the relevant filing and removal dates, and the deed alone did not establish domicile. Defendant also relied on a counterclaim and asserted that removal was authorized under 28 U.S.C. § 1443 based on alleged federal civil-rights violations.

PROCEDURAL HISTORY

The action originated in Connecticut Superior Court and was removed by Defendant Amelio. Judge Spector determined in a Recommended Ruling that the federal court lacked subject matter jurisdiction. Amelio moved for reconsideration, asserting diversity jurisdiction, federal-question jurisdiction based on his counterclaim, and removal jurisdiction under 28 U.S.C. § 1443. The court rejected each argument, denied reconsideration, closed the federal case, and remanded it to the Connecticut Superior Court, Judicial District of Litchfield at Torrington.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk was directed to close the federal case and remand it to the Connecticut Superior Court, Judicial District of Litchfield at Torrington.

CASES CITED

- Shrader v. CSX Transportation, Inc., 70 F.3d 255, 257 (2d Cir. 1995)
- United States v. Balde, 943 F.3d 73, 88 (2d Cir. 2019)
- Van Buskirk v. United Group of Companies, Inc., 935 F.3d 49, 53-54 (2d Cir. 2019)
- Palazzo ex rel. Delmage v. Corio, 232 F.3d 38, 42 (2d Cir. 2000)
- United States v. Venturella, 391 F.3d 120, 125 (2d Cir. 2004)
- Vaden v. Discover Bank, 556 U.S. 49, 60, 62 (2009)
- New York v. Smith, 494 F. App'x 138, 140 (2d Cir. 2012)
- Johnson v. Mississippi, 421 U.S. 213, 219 (1975)
- State of Georgia v. Rachel, 384 U.S. 780, 792, 803 (1966)
- Chestnut v. People of the State of New York, 370 F.2d 1, 3 (2d Cir. 1966)
- City of Greenwood, Mississippi v. Peacock, 384 U.S. 808, 827-28 (1966)

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