

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Michael James Cable v. State of Indiana

Cable · No. 1:26-cv-01279-SEB-KMB · Decided June 23, 2026

SUMMARY

The United States District Court for the Southern District of Indiana dismissed Michael James Cable’s attempted removal of a 2009 Indiana criminal case as frivolous. The court held that the criminal case had been dismissed years earlier and did not qualify for removal under 28 U.S.C. §§ 1441 or 1443, leaving nothing to remand. The court warned Cable that continued frivolous filings could result in filing restrictions.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Sarah Evans Barker
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	June 23, 2026
DOCKET	1:26-cv-01279-SEB-KMB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff attempted to remove a previously dismissed state criminal prosecution to federal district court under 28 U.S.C. § 1441. The district court examined the notice of removal and dismissed the federal action as frivolous rather than remanding it because no criminal case remained pending in state court.
STANDARD OF REVIEW	Prompt facial examination of a criminal notice of removal under 28 U.S.C. § 1455(b)(4); summary remand is required when it clearly appears that removal should not be permitted.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Michael James Cable v. State of Indiana

TOPICS

- subject matter jurisdiction
- civil procedure
- criminal procedure
- federalism
- sanctions

PRACTICE AREAS

federal jurisdiction

criminal procedure

civil procedure

judicial administration and sanctions

QUESTIONS PRESENTED

1. Whether 28 U.S.C. § 1441 authorized removal of Cable's state criminal prosecution.
2. Whether the criminal prosecution qualified for removal under 28 U.S.C. § 1443(1) or § 1443(2).
3. Whether the district court should remand the matter when the underlying state criminal case had already been dismissed.
4. Whether the federal action should be dismissed as frivolous.

HOLDINGS

1. Section 1441 governs removal of civil actions and does not authorize removal of a criminal action.
2. Removal under § 1443(1) requires a showing that the denied right arises under federal law providing for specific civil rights stated in terms of racial equality and that the state courts will deny or will not enforce those rights; Cable made no such showing.
3. Section 1443(2) permits removal only by federal officers or agents, or persons authorized to act with or for them in executing duties under federal equal-rights law; Cable did not fall within that category.
4. Remand was unnecessary because the underlying state criminal prosecution had been dismissed and there was no pending state case to which the matter could be remanded.

KEY QUOTATIONS

"Pursuant to 28 U.S.C. § 1455(b)(4), "[t]he United States district court in which [a] notice [of removal] is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand."

"Because Mr. Cable's case does not fit into either provision under §1443, this Court would have lacked subject matter jurisdiction over the criminal case if he had tried to remove it here when the case was pending."

"Mr. Cable has filed a notice of removal in a criminal case that was dismissed in state court in 2009. Thus, there is no cognizable basis for removal, and there is nothing for this Court or the state court to act on."

FACTUAL BACKGROUND

Cable had been charged with invasion of privacy in an Indiana state criminal case filed on July 7, 2009. The State dismissed that case on September 24, 2009, nearly twenty years before Cable filed his federal notice of removal. Cable nevertheless attempted to remove the former criminal prosecution under 28 U.S.C. § 1441.

PROCEDURAL HISTORY

Cable had previously been charged with invasion of privacy in Marion County, Indiana, in state case No. 49G17-0907-FD-062422. The State dismissed that criminal case on September 24, 2009. In 2026, Cable filed a notice of

removal seeking to remove the former criminal case to the Southern District of Indiana. The district court concluded that § 1441 applies to civil actions, that the requirements for criminal removal under § 1443 were not met, and that there was no pending state proceeding to remand.

DISPOSITION

dismissed

CASES CITED

- Johnson v. Mississippi, 421 U.S. 213, 219 (1975)
- Application of County Collector of Winnebago, Ill., 96 F.3d 890, 897 (7th Cir.)
- Application of County Collector of Winnebago, Ill., 96 F.3d 890, 895 (7th Cir.)
- Cook v. Weber, 698 F.2d 907, 909 (7th Cir.)
- Martin v. Redden, 34 F.4th 564, 569 (7th Cir. 2022)
- Montgomery v. Davis, 362 F.3d 956, 957 (7th Cir. 2004)
- In re McDonald, 489 U.S. 180, 184 (1989)
- Support Sys. Int'l v. Mack, 45 F.3d 185, 186 (7th Cir. 1995)
- Kelly Fuery v. City of Chicago, Fuery v. City of Chicago, 900 F.3d 450, 452 (7th Cir. 2018)
- Goodyear Tire & Rubber Co. v. Haeger, 137 S. Ct. 1178, 1186 (2017)