

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Michigan First Credit Union v. Andrew Pitts

Michigan First Credit Union v. Pitts · No. 26-10051 · Decided February 6, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan remanded Andrew Pitts’ second notice of removal to the 36th Judicial District Court of Michigan. The court held that considering the second removal would constitute impermissible review of the prior remand order under 28 U.S.C. § 1447(d), granted Pitts’ application to proceed in forma pauperis, and warned that further federal filings could result in sanctions.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Shalina D. Kumar
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	February 6, 2026
DOCKET	26-10051
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant filed a second notice of removal of a state-court consumer loan action after the federal court had previously remanded the same action for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The court reviewed whether it had subject matter jurisdiction over the second notice of removal and whether 28 U.S.C. § 1447(d) barred review or reconsideration of the prior remand order.
PRECEDENTIAL VALUE	Unknown
PARTIES	Andrew Pitts v. Michigan First Credit Union

TOPICS

- subject matter jurisdiction
- civil procedure
- fair debt collection
- truth in lending
- credit reporting

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could entertain Pitts's second notice of removal after the same defendant had previously removed the action and the court had remanded it for lack of subject matter jurisdiction.
2. Whether Pitts's asserted federal defenses and counterclaims could establish federal-question jurisdiction over the plaintiff's state-law complaint.
3. Whether the action was frivolous under 28 U.S.C. § 1915(e)(2)(B) and whether any appeal would be taken in good faith.

HOLDINGS

1. A district court may not entertain a second notice of removal filed by the same defendant when the second notice functionally seeks review or reconsideration of the court's prior remand order; 28 U.S.C. § 1447(d) bars such review.
2. Federal defenses and counterclaims asserted by a removing defendant do not establish federal-question jurisdiction where the plaintiff's well-pleaded complaint alleges only a state-law claim.
3. The court found the action frivolous under 28 U.S.C. § 1915(e)(2)(B) and certified under 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith.

KEY QUOTATIONS

“An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise....” (at 3)

“The Court therefore lacks jurisdiction to consider the second notice.” (at 4)

FACTUAL BACKGROUND

Michigan First Credit Union filed a state-court action against Pitts alleging breach of an agreement and seeking approximately \$3,021.14 plus interest. The complaint did not allege a federal-law violation, while Pitts's removal papers asserted federal statutes including TILA, FCRA, and FDCPA. Pitts had previously attempted removal, and the federal court remanded the case for lack of subject matter jurisdiction before he filed the second notice of removal.

PROCEDURAL HISTORY

Michigan First Credit Union sued Andrew Pitts in Michigan's 36th District Court for breach of an agreement involving an alleged balance of \$3,021.14. Pitts first removed the action to the Eastern District of Michigan, but that case was remanded because the complaint asserted only a state-law claim and Pitts's federal-law defenses and counterclaims could not establish removal jurisdiction. Pitts filed a second, substantially identical notice of removal, which the court held it lacked jurisdiction to entertain because it functionally sought review or reconsideration of the prior remand order.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk of Court was directed to prepare the necessary documents to remand the case to the 36th Judicial District Court, State of Michigan.

CASES CITED

- Brierly v. Alusuisse Flexible Packaging, Inc., 184 F.3d 527, 531-32 & 531 n.1 (6th Cir.)
- Coppedge v. United States, 369 U.S. 438, 445 (1962)
- McGore, 114 F.3d at 610-11

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION MICHIGAN FIRST CREDIT UNION, Plaintiff, Case No. 26-10051 Honorable Shalina D. Kumar v. Magistrate Judge Kimberly G. Altman ANDREW PITTS, Defendant. ORDER REMANDING MATTER TO THE STATE DISTRICT COURT FOR 36TH JUDICIAL DISTRICT I. This matter is before the Court on defendant Andrew Pitts' ("Pitts") second notice of removal.

ECF No. 1. Pitts' first attempt to remove this action, docketed separately as Michigan Credit Union v. Andrew Pitts, 25- 12641 ("Pitts 1") and assigned to the Honorable Denise Page Hood, was unsuccessful because he failed to offer facts to establish that the Court had subject matter jurisdiction over his claims.

The Court lacks jurisdiction to entertain the second notice of removal, because doing so would constitute a review of its prior order remanding the case for lack of subject matter jurisdiction, and such review is barred by 28 U.S.C. § 1447(d). This case Page 1 of 5 will be remanded to the 36th District Court. Pitts also filed an application to proceed in forma pauperis (ECF No. 2), which is GRANTED.

II. Plaintiff Michigan First Credit Union filed suit against Pitts in the 36th District Court. According to the notice of removal filed in this court in Pitts 1 on August 22, 2025, the complaint "arises from a consumer loan dispute involving the repossession of [d]efendant's vehicle." ECF No. 1, PageID.1. Pitts did not include a copy of the state court proceedings with his notice.

After considering Pitts' pleadings, Judge Hood entered an order on September 2, 2025, remanding the case for lack of subject matter jurisdiction finding that: Pitts' Notice of Removal and submitted state court documents indicate the matter removed from the 36th District Court, State of Michigan is a Complaint against Pitt alleging a breach of an Agreement with a balance due in the amount of \$3,021.14, plus accumulated interest.

(ECF No. 5, PageID.10) The Notice of Removal alleges what appears to be Pitts' affirmative defenses and counterclaims, including: Truth in Lending Act (TILA), 15 U.S.C. § 1601 et seq.; Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681, et seq.; and, Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, et seq. Pitts asserts this Court has original and supplemental jurisdiction under 28 U.S.C. §§ 1331, 1367.

(ECF No. 1, PageID.1) The arguments and allegations raised by Pitts in his Notice of Removal as to jurisdiction cannot be considered by the Court to determine subject matter jurisdiction. The Court must determine subject matter jurisdiction upon review of the Complaint filed by Plaintiff Page 2 of 5 Michigan First Credit Union, not Pitts' arguments and allegations in his Notice of Removal.

Liberally construing Pitts' Notice of Removal and after reviewing the Complaint, the Court finds there is no federal subject matter jurisdiction over the Complaint. Removal of federal subject matter jurisdiction is governed by 28 U.S.C. § 1441 which allows removal of claims based on diversity of citizenship and arising under the Constitution, laws or treaties of the United States.

The Complaint alleges a breach of an Agreement, which is a state law claim. The Complaint alleges Plaintiff does business in the State of Michigan and that Pitts is a resident of the City of Detroit, State of Michigan.

As noted above, the amount in controversy alleged is \$3,021.14. Nothing in the Complaint alleges any violation of any federal law. The Court finds it lacks subject matter jurisdiction over the Complaint filed before the 36th District Court. This matter must be remanded to the 36th District Court. Pitts 1, ECF No. 6, PageID.14, 15.

On January 7, 2026, Pitts filed his second notice of removal, docketed as the instant case. The second notice appears to be identical to the first and thus suffers from the same fatal flaws. However, even if Pitts had supplied proper facts to support his claim that the Court has federal question jurisdiction in his second notice of removal, the Court lacks jurisdiction to entertain the second notice; doing so would amount to a review of the prior remand order, which is barred by 28 U.S.C. § 1447(d).

As the statute plainly states: "An order remanding a case to the State court from which it was removed is not Page 3 of 5 reviewable on appeal or otherwise...." The Sixth Circuit has held that section 1447(d) bars consideration of any notice or motion that amounts to "the functional equivalent of a motion to review or reconsider," noting that "the language in § 1447(d) has been universally construed in other circuits to preclude further reconsideration or review of a district court's order remanding a case, because a remand to state court divests a district court of jurisdiction such that it may not take any further action on the case." *Brierly v. Alusuisse Flexible Packaging, Inc.*, 184 F.3d 527, 531-32 & 531 n.1 (6th Cir.

1999) (collecting cases). The court in *Brierly* held that a district court may consider a second notice of removal only if it is made by a defendant that was not served prior to the first notice of removal, and which therefore had no chance to join in the prior removal attempt.

In this case, the same defendant who failed on his first attempt at removal has simply refiled a removal notice, essentially seeking reconsideration of the prior order remanding the case. The Court therefore lacks jurisdiction to consider the second notice. Page 4 of 5 III.

Accordingly, IT IS ORDERED that Pitts' application to proceed in forma pauperis (ECF No. 2) is GRANTED. This case is hereby REMANDED to the 36th Judicial District Court, State of Michigan. The Clerk of Court is DIRECTED to prepare the necessary documents to effectuate the remand. IT IS FURTHER ORDERED that the Court finds this action frivolous under 28 U.S.C. § 1915(e)(2)(B), and any appeal of this order would not be taken in good faith.

28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962), *McGore*, 114 F.3d at 610-11. Pitts is WARNED that further attempts to litigate this case in federal court may result in sanctions, including the imposition of prefiling conditions. IT IS SO ORDERED. s/ Shalina D. Kumar SHALINA D. KUMAR Dated: February 6, 2026 United States District Judge Page 5 of 5