

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
GEORGIA, ATLANTA DIVISION

Sugarloaf Apartments-Patrician LLC d/b/a Quinn Sugarloaf v.
Jaquise Reshannon Jones

Sugarloaf Apartments-Patrician · No. 1:26-CV-03223-AT-JEM · Decided June 12, 2026

SUMMARY

The United States Magistrate Judge recommends remanding a removed Georgia dispossession action to the Magistrate Court of Gwinnett County for lack of subject matter jurisdiction. The recommendation concludes that the state-law possession action does not present a federal question, and that supplemental jurisdiction is unavailable because the court lacks original jurisdiction.

CASE DETAILS

COURT	United States District Court for the Northern District of Georgia, Atlanta Division
WRITING FOR THE COURT	T. Elizabeth McBath
JURISDICTION	United States District Court for the Northern District of Georgia, Atlanta Division
DECIDED	June 12, 2026
DOCKET	1:26-CV-03223-AT-JEM
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed a Georgia dispossession action to federal district court and applied to proceed in forma pauperis. The magistrate judge issued a final report and recommendation recommending remand for lack of subject matter jurisdiction and granting the IFP application solely for remand purposes.
STANDARD OF REVIEW	The federal court independently examined subject matter jurisdiction sua sponte and construed the removal statutes strictly, resolving doubts in favor of remand. The removing party bears the burden of establishing federal jurisdiction.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jaquise Reshannon Jones v. Sugarloaf Apartments-Patrician LLC d/b/a Quinn Sugarloaf

TOPICS

subject matter jurisdiction

eviction

landlord tenant

civil procedure

PRACTICE AREAS

federal jurisdiction

removal and remand

landlord-tenant law

QUESTIONS PRESENTED

1. Whether the Georgia dispossessory action was removable based on federal-question jurisdiction under 28 U.S.C. § 1331.
2. Whether Defendant's federal defenses or anticipated counterclaims could create federal-question jurisdiction.
3. Whether the federal court could exercise supplemental jurisdiction under 28 U.S.C. § 1367 over the state dispossessory action.
4. Whether the action should be remanded for lack of subject matter jurisdiction.

HOLDINGS

1. The dispossessory action did not arise under federal law because Plaintiff's claim sought possession of the premises under state law and did not present a federal question on the face of the complaint.
2. A defendant cannot create federal-question jurisdiction by asserting federal defenses or relying on an actual or anticipated federal counterclaim.
3. The court could not exercise supplemental jurisdiction over the dispossessory action because it lacked original jurisdiction over any claim in the action.
4. When a federal district court lacks subject matter jurisdiction over a removed action, it must remand the action to state court.

KEY QUOTATIONS

“But a federal court is obligated to inquire into whether it has subject matter jurisdiction sua sponte whenever it may be lacking, and it should do so at the “earliest possible stage in the proceedings.”” (410)

“‘If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, [then] the case shall be remanded’ to the state court [] whence it came.” (410)

“Federal courts are further directed to construe removal statutes strictly, and “all doubts about jurisdiction should be resolved in favor of remand to state court.””

FACTUAL BACKGROUND

Sugarloaf Apartments-Patrician LLC filed a dispossessory action against Jaquise Reshannon Jones in the Magistrate Court of Gwinnett County, Georgia, concerning premises located at 3203 Woodiron Drive, Duluth, Georgia. Jones removed the action and asserted that the dispossessory proceeding violated various federal

statutes, including the Fair Housing Act, 42 U.S.C. § 1983, and the Americans with Disabilities Act. The complaint appeared to seek only possession of the premises under state law.

PROCEDURAL HISTORY

On or about May 12, 2026, Plaintiff filed a dispossessory action against Defendant in the Magistrate Court of Gwinnett County, Georgia concerning residential premises in Duluth, Georgia. Defendant filed a notice of removal asserting federal-question and supplemental jurisdiction based on alleged violations of federal law. The federal court determined that the underlying action presented only a state-law claim for possession and recommended remand.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand the case to the Magistrate Court of Gwinnett County, Georgia for lack of subject matter jurisdiction. The Defendant's IFP application is granted for remand purposes only, and the Clerk is directed to terminate the reference to the magistrate judge.

CASES CITED

- University of South Alabama v. American Tobacco Co., 168 F.3d 405, 410-11 (11th Cir. 1999)
- Lowery v. Alabama Power Co., 483 F.3d 1184, 1207 (11th Cir. 2007)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 561 (1992)
- Smith v. GTE Corp., 236 F.3d 1292, 1299 (11th Cir. 2001)
- Vaden v. Discover Bank, 556 U.S. 49, 50, 60 (2009)
- Louisville & Nashville Railroad Co. v. Mottley, 211 U.S. 149, 152 (1908)
- Jefferson County, Alabama v. Acker, 527 U.S. 423, 430-31 (1999)
- Ervast v. Flexible Products Co., 346 F.3d 1007, 1012 (11th Cir. 2003)
- Friedman v. New York Life Insurance Co., 410 F.3d 1350, 1353 (11th Cir. 2005)
- Leonard v. Enterprise Rent a Car, 279 F.3d 967, 972 (11th Cir. 2002)
- Citimortgage, Inc. v. Dhinoja, 705 F. Supp. 2d 1378, 1381 (N.D. Ga. 2010)
- Bermudez v. United States Bank National Association, No. 1:18-cv-05018-SCJ-AJB, 2019 U.S. Dist. LEXIS 183630, at *14-15 (N.D. Ga. June 23, 2019)