

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RALPH M. RUSSO, : CIVIL ACTION
: :
: :
v. : :
: :
RITA RUSSO, *et al.* : 07-1867

MEMORANDUM AND ORDER

Fullam, Sr. J.

September 4, 2007

The plaintiff, an attorney proceeding *pro se*, brought an action in the Court of Common Pleas of Philadelphia County, Pennsylvania against a number of parties, including his wife (whether they are still married is not clear from the complaint), his automobile insurance company, and the Social Security Administration ("SSA"). The SSA removed the action to this Court. The complaint asserts disparate claims, ranging from interference with probate proceedings to breach of contract. With regard to the SSA, the plaintiff seeks an order of mandamus compelling the agency to produce documents relating to payments allegedly made to Mrs. Russo on behalf of the plaintiff's minor child. The SSA has filed a motion to dismiss, to which the plaintiff has not responded.

The motion will be granted. The plaintiff has not alleged any basis for this Court to grant the extraordinary remedy of mandamus; the plaintiff has alleged neither an indisputable

entitlement to the information sought nor the absence of any other remedy. The SSA will be dismissed from the case.

Without the SSA, there is no basis for federal jurisdiction in this case. The remaining disputes are entirely based on state law, and both the plaintiff and at least one defendant are citizens of Pennsylvania. The case will be remanded to state court.

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ORDER

AND NOW, this 4th day of September 2007, upon consideration of the Motion to Dismiss of Defendant the Social Security Administration (Docket Nos. 9 and 12), to which no response has been filed,

IT IS hereby ORDERED that for the reasons stated in the accompanying memorandum of law:

1. The Motion to Dismiss is GRANTED and the Social Security Administration is DISMISSED as a party to this case.
2. The case is REMANDED to the Court of Common Pleas of Philadelphia County, Pennsylvania.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.