

MILLER v. KENT.

Circuit Court, S. D. New York. May 17, 1882.

REMOVAL OF CAUSE—DELAY IN MOVING TO
REMAND.

A delay of over a year, in the absence of explanation, *held* fatal to a motion to remand the case, on the ground that the petition for removal was not filed in time.

Motion to Remand.

Linus A. Gould, for plaintiff.

Henry S. Bennett, for defendant.

WALLACE, J. In the absence of any explanation of the delay in moving to remand this action, it should be determined that, by the delay of over a year since the cause was removed to this court, before making this motion to remand, the plaintiff has lost his right to insist that the petition for removal was not filed in time.

Motion denied.