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Christ v. Vora

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-3541

SGT. B. CHRIST

v.

DR. CHANDAN S. VORA,
Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
D.C. Civil Action No. 07-cv-0177
(Honorable Gustave Diamond)

Submitted Under Third Circuit LAR 34.1(a)
September 24, 2008

Before: SCIRICA, Chief Judge, HARDIMAN and COWEN, Circuit Judges

(Filed: October 3, 2008)

OPINION OF THE COURT

PER CURIAM.

Dr. Chandan S. Vora appeals pro se the orders of the United States District Court for the Western District of Pennsylvania (i) dismissing pursuant to 28 U.S.C. § 1915(e)(2)(B) her “petition for removal” of police citations/summons and trial notices

for summary offenses and (ii) denying her motion to vacate. We have jurisdiction over this appeal under 28 U.S.C. § 1291. We will affirm.

In July 2007, Dr. Chandan Vora filed a “petition for removal” seeking to remove a police citation and related summons charging Vora with disorderly conduct, and trial notices in a summary case involving three traffic citations and one citation for scattering rubbish. She claimed that Sergeant B. Christ, of the City of Johnstown Police Department, and other city officials discriminated against her on account of her religious and ethnic background by issuing allegedly baseless and unconstitutional citations for summary offenses and traffic violations. By order entered July 23, 2007, the District Court dismissed the action. The District Court concluded that the removal petition sought to attack state proceedings over which it had no jurisdiction and that the petition otherwise failed to state a claim. Vora filed a “motion for injunction,” which the District Court construed as a motion to vacate and denied. This timely appeal followed.

Upon thorough review of Vora’s District Court pleadings, notice of appeal, and informal brief, we conclude that the District Court correctly dismissed her removal petition for lack of jurisdiction and correctly denied her motion to vacate. As she has done before, Vora petitioned for removal under the civil rights removal statute, 28 U.S.C. § 1443. This time, she alleges that Sergeant Christ trumped up charges against her. The civil rights removal statute applies only to the removal of state court proceedings. Id.; See also 28 U.S.C. § 1447(a). Here, the citations, summons, and trial notices pertain to

summary proceedings before a district justice; they are not state court criminal proceedings. Assuming arguendo that the civil rights removal statute applies to Vora's proceedings before a district justice, her rambling, generalized, and unsupported allegations do not meet the specific criterion for § 1443 removal. See City of Greenwood v. Peacock, 384 U.S. 808, 827 (1966); Ronan v. Stone, 396 F.2d 502, 503 (1st Cir. 1968).

For the foregoing reasons, we will affirm the District Court's judgment.