

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
THOMASVILLE DIVISION

NANCY B. CORMIER,

Plaintiff,

vs

DENNY C. CORMIER,

Defendant.

6: 05-CV-26 (WLS)

**ORDER**

Presently pending before the Court are Defendant's Motion for Partial Remand (Doc. No. 2) and Plaintiff Nancy B. Cormier's Motion to Remand. (Doc. No. 3). By notice of removal dated June 22, 2004, Defendant removed this divorce action to this Court. *See Nancy B. Cormier v. Denny C. Cormier*, Civil Acton No. 6:04-CV-30 (WLS). This Court remanded the entire action to the Superior Court of Colquitt County, Georgia. *Id.* at Doc. No. 5. Defendant's Motion to Reconsider Order of Remand was denied. *Id.* at Doc. No. 8. On May 24, 2005, Defendant filed a notice of re-removal of the same divorce action. (Doc. No. 1).

This Court's prior judgment between the same parties in the case of *Nancy B. Cormier v. Denny C. Cormier*, Civil Acton No. 6:04-CV-30 (WLS) where the Court found that it had no original jurisdiction over the removed divorce action is a *collateral estoppel* to re-litigating that ultimate, jurisdictional issue in the instant re-removed divorce action. *See Fleming v. Universal-Rundle Corp.*, 142 F.3d 1354, 1359 (11<sup>th</sup> Cir. 1998). Further, principles of *res judicata* preclude the re-litigation of the same cause of action between the same parties. *See Edwards v. Alabama Dept. of Corrections*, 81 F.Supp.2d 1242, 1247 (M.D.Ala. 2000). Accordingly, Defendant's Motion for Partial Remand (Doc. No. 2) and Plaintiff's Motion to Remand (Doc. No. 3) should be, and hereby are, **GRANTED**. The captioned action is **REMANDED to the Superior Court of Colquitt County, Georgia**. The Clerk is **ORDERED** to close the file.

SO ORDERED, this 8<sup>th</sup> day of July, 2005.

/s/W. Louis Sands  
W. Louis Sands, Chief Judge  
United States District Court