

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

29SC Four Pointe LP,	:	
Plaintiff-Appellee,	:	No. 26AP-333
	:	(M.C. No. 2026 CVG 8109)
v.	:	
	:	(REGULAR CALENDAR)
Marina Lockhart,	:	
Defendant-Appellant.	:	

D E C I S I O N

Rendered on September 10, 2026

On brief: *Marina Lockhart*, pro se.

APPEAL from the Franklin County Municipal Court

DINGUS, J.

{¶ 1} Defendant-appellant, Marina Lockhart, appeals from a judgment of the Franklin County Municipal Court in favor of plaintiff-appellee, 29SC Four Pointe LP, for restitution of the premises at issue. For the following reasons, we affirm.

I. Factual and Procedural Background

{¶ 2} On February 12, 2026, landlord 29SC Four Pointe LP filed a complaint in forcible entry and detainer, commonly known as an eviction action, against Lockhart, the lessee, concerning an apartment located at 3896 Summit Point, in Columbus. On February 27, 2026, Lockhart filed a notice of removal in the trial court stating that she was removing the matter to federal court (“the state court removal notice”). On March 30, 2026, a hearing on the action was held before a magistrate, who issued a decision finding in favor of 29SC Four Pointe LP. The next day, the trial court adopted the magistrate’s decision and entered judgment in favor of 29SC Four Pointe LP for restitution of the premises. Later, on May 18, 2026, Lockhart filed a copy of the notice of removal, with an

attached certificate of service to opposing counsel, that she had filed in federal court on February 27, 2026 (“the federal court removal notice”).

{¶ 3} Lockhart timely appeals from the trial court’s March 31, 2026 judgment.

II. Assignment of Error

{¶ 4} Lockhart assigns the following sole assignment of error for our review:

The trial court erred and abused its discretion in ignoring Federal Court jurisdiction in Appellant Lockhart’s case and Notice of Removal action.

(Sic passim.)

III. Discussion

{¶ 5} In her sole assignment of error, Lockhart contends that the trial court erred in continuing to proceed in this matter even though she removed it to federal court. She argues that the trial court was divested of jurisdiction prior to entering judgment. This assignment of error is not well-taken.

{¶ 6} The procedural requirements for removal of a state action to federal court are set forth in 28 U.S.C. 1446(d), which states:

Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.

{¶ 7} “The plain language of 28 U.S.C. 1446(d) requires three procedural steps to effect removal of an action from state court to federal court: (1) filing a notice of removal in the federal court, (2) giving written notice of the removal to all adverse parties, and (3) filing a copy of the removal notice in state court.” *State ex rel. Woods v. Heekin*, 2024-Ohio-1719, ¶ 13. “A basic removal principle is that once the provisions of Section 1446(d), Title 28, U.S.Code have been met, the state court is divested of jurisdiction to proceed further until there has been a remand by the federal court.” *Borkowski v. Abood*, 2008-Ohio-857, ¶ 12, citing *Yarnevich v. Brink’s, Inc.*, 102 F.3d 753, 754 (4th Cir. 1996), and *Maseda v. Honda Motor Co., Ltd.*, 861 F.2d 1248, 1254 (11th Cir. 1988). A properly completed removal “immediately strips the state court of its jurisdiction.” (Internal quotation marks deleted and citations omitted.) *Ruff v. Bakery, Confectionery, Tobacco Workers & Grain Millers & Industry Internatl.*, 2020-Ohio-2953, ¶ 10 (10th Dist.). But “removal is not complete

until the removing party has completed all steps required by the statute. Thus, the state court is not divested of jurisdiction until a copy of the notice of removal has been filed *with the state court.*” (Emphasis in original.) *Woods* at ¶ 14. Once removed, the federal court retains all jurisdiction over the matter unless and until it is remanded to the state court. “If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded. . . . A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case.” 28 U.S.C. 1447(c). *See Borkowski* at ¶ 12 (“Upon remand, the state court’s jurisdiction over the matter is revived.”).

{¶ 8} Here, Lockhart did not complete all three steps to remove the action to federal court prior to the trial court entering the judgment from which she appeals. While she filed a notice of removal with the federal court and served plaintiff’s counsel with that notice, she did not complete the final step—filing a copy of the federal court removal notice in the state court. The state court removal notice that Lockhart did file with the state court on February 27, 2026 was not a copy of the federal court removal notice itself. In fact, the state court removal notice differed in both form and substance from the federal court removal notice. Lockhart eventually filed a copy of the federal court removal notice with the state court on May 18, 2026, well after the trial court entered its March 31, 2026 judgment. Thus, any effected removal of the action—and the trial court’s divestiture of jurisdiction—could have only occurred on or after May 18, 2026. Because Lockhart did not take the three procedural steps necessary to effect removal of the action prior to the trial court entering its March 31, 2026 judgment, the trial court was not divested of jurisdiction to proceed in the action and enter that judgment.

{¶ 9} Accordingly, we overrule Lockhart’s sole assignment of error.

IV. Disposition

{¶ 10} Having overruled Lockhart’s sole assignment of error, we affirm the judgment of the Franklin County Municipal Court.

Judgment affirmed.

DORRIAN and JAMISON, JJ., concur.
