

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

<b>CENTRAL PRESBYTERIAN</b>	)	
<b>CHURCH IN THE UNITED</b>	)	
<b>STATES OF AMERICA OF</b>	)	
<b>HUNTSVILLE, ALA.,</b>	)	
	)	<b>Case No.: 5:07-CV-336-VEH</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>NORTH ALABAMA</b>	)	
<b>PRESBYTERY,</b>	)	
	)	
<b>Defendant.</b>	)	

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**ORDER**


Pending before the court is Central Presbyterian Church in the United States of America of Huntsville, Alabama’s (“Central”) Motion to Remand Or, in the Alternative Motion for Temporary Restraining Order (“TRO”) and Expedited Hearing (Doc. #2) filed on February 23, 2007. Consistent with the Memorandum Opinion entered on this date, the court concludes that it lacks subject matter jurisdiction pursuant to 28 U.S.C. § 1331. Accordingly, Central’s Motion to Remand is **GRANTED**, and the case is **REMANDED** to the Circuit Court of Madison County. Pursuant to 28 U.S.C.A. § 1447(c), the Clerk of Court is **DIRECTED** to mail a

certified copy of this Order to the Clerk of Court for the Circuit Court of Madison County, Alabama.

Further, Central's request for attorney's fees and costs is **DENIED**. Each party will bear its own costs.

As a result of the court's ruling finding it lacks subject matter jurisdiction, Central's Alternative Motion for TRO is **TERMED** as **MOOT**.<sup>1</sup>

**DONE** and **ORDERED** this the 27th day of February, 2007.

  
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**VIRGINIA EMERSON HOPKINS**  
United States District Judge

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<sup>1</sup>As noted in the court's Memorandum Opinion, "[i]n order to give the state court judge an opportunity to hear on the merits Central's request for an injunction, the parties have agreed that neither party will, during the next 10 days, take any action that would impair either party's title to any disputed property; however, Central may continue to conduct its operations in the ordinary course." *Id.* at 10. (Footnote omitted.)