

SEP 01 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANTHONY ANDRE SHARP,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>JOSEPH A. BICK,</p> <p>Respondent - Appellee.</p>
---

No. 08-16648

D.C. No. 2:08-CV-00443-GEB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Garland E. Burrell, District Judge, Presiding

Submitted August 10, 2010\*\*

Before: LEAVY, HAWKINS, and IKUTA, Circuit Judges.

Anthony Andre Sharp appeals pro se the dismissal of his petition for removal of a California state court action to federal court. We have jurisdiction

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

under 28 U.S.C. § 1291, and we affirm.<sup>1</sup>

Sharp contends the district court erred by denying his petition for removal because the state court and state officials are violating his constitutional rights. We affirm the district court's conclusion that, as the plaintiff in the underlying state court action, Sharp cannot remove the case to federal court. *See* 28 U.S.C. § 1446(a); *see also American Int'l Underwriters, (Philippines), Inc. v. Continental Ins. Co.*, 843 F.2d 1253, 1260 (9th Cir. 1988) ("The right to remove a state court case to federal court is clearly limited to defendants.").

All pending motions are denied.

**AFFIRMED.**

---

<sup>1</sup> For the reasons stated in the district court's July 15, 2008, order, a certificate of appealability is unnecessary in this case.