

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JBG SMITH PROPERTIES,	:	
LP FIRST RESIDENCES,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 24-3215 (UNA)
	:	
JORDAN POWELL,	:	
	:	
Defendant.	:	

ORDER

This matter is before the Court on Jordan Powell’s Notice of Removal (ECF No. 1, “Notice”), filed on November 4, 2024.¹ Powell is the defendant in a matter pending before the Superior Court of the District of Columbia, Civil Division, Landlord and Tenant Branch. *See JBG Smith Properties, LP First Residences v. Powell*, No. 2023-LTB-007524 (D.C. Super. Ct. filed July 26, 2023). He removes this matter under 28 U.S.C. § 1443, *see generally* Notice, moves to stay the Superior Court proceedings, *see generally* Mot. to Stay the Landlord Tenant Matter (ECF No. 5), and files a Third Party Complaint (ECF No. 3) against the Small Business Administration (“SBA”). The Court REMANDS this matter to the Superior Court.

On October 25, 2024, the Superior Court entered a protective order pursuant to which Powell is obliged to make monthly payments “for the full rent amount plus an additional \$500 a month as a month-to-month tenant (excluding parking, etc.),” beginning on November 5, 2024, notwithstanding his “testimony and written affidavit that meeting the terms of the protective

¹ This is Powell’s second attempt to remove the Superior Court case. *See JBG Smith Properties, LP First Residences v. Powell*, No. 23-cv3663, 2023 WL 11803455 (D.D.C. Dec. 14, 2023), *appeal dismissed sub nom. JBG Smith Properties v. Powell*, No. 24-5023, 2024 WL 2842289 (D.C. Cir. June 5, 2024) (per curiam), *reh’g denied sub nom. JBG Smith Properties, LP First Residences v. Powell*, No. 24-5023, 2024 WL 3636025 (D.C. Cir. July 29, 2024) (per curiam), *cert. filed*, No. 24-5839 (U.S. Oct. 29, 2024).

order would be ‘impossible’” because his income falls far short of the rent obligation. Notice at 2. Powell posited that his inevitable “[f]ailure to pay results in an automatic win” for his landlord and the denial of “equal civil rights at break-neck speed” for him. *Id.*

Powell attributes his predicament to the SBA and its alleged failure to adjust the amount of an Economic Injury Disaster Loan (“EIDL”) extended to his company, Pricecheck Inc., *see id.*; *see also* Third Party Complaint (ECF No. 3) ¶¶ 2-5, 11, 34. According to Powell, the SBA denied the adjustment “due to racial discrimination,” Notice at 2, and had the SBA adjusted the loan, its proceeds would have covered his rent, *see id.* at 2, 5.

A “civil action[] . . . commenced in a State court may be removed by the defendant to the district court of the United States for the district . . . embracing the place wherein [if] it is pending . . . [a]gainst any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof[.]” 28 U.S.C. § 1443(1). “A removal petition under § 1443 must satisfy a two-pronged test: (1) the right denied the removal petitioner must arise under a federal civil rights law securing racial equality; and (2) the removal petitioner must be denied or must be unable to enforce the right in the State court.” *Greene v. Cnty. Sch. Bd. of Henrico Cnty., Va.*, 524 F. Supp. 43, 44 (E.D. Va. 1981) (citing *Johnson v. Mississippi*, 421 U.S. 213, 219 (1975)). Importantly, “[w]hen the removal statute speaks of ‘any law providing for equal rights,’ it refers to those laws that are couched in terms of equality, such as the historic and the recent equal rights statutes, as distinguished from laws, of which the due process clause and 42 U.S.C. § 1983 are sufficient examples, that confer equal rights in the sense . . . of bestowing them upon all.” *People of State of New York v. Galamison*, 342 F.2d 255, 271 (2d Cir. 1965).

Powell claims that “[t]he rights denied here are to sue, give evidence, enforce contracts, lease and hold real property, hold personal property, and . . . the full and equal benefit of all laws and proceedings for the security of property,” Notice at 2, and he cites “ch. 31, §1, 14 Stat. 27; and §641 of the Revised Statutes of 1874,” *id.* While the cited statutory provision does appear to qualify as a “equal rights” law, Powell does not demonstrate that he is denied or is unable to enforce rights in the Superior Court. See *In re Brannum*, No. 96-5035, 1996 WL 248171, at *1 (D.C. Cir. Apr. 1, 1996) (per curiam) (“The district court correctly determined that removal of these cases from the Landlord & Tenant Branch of the District of Columbia Superior Court was unwarranted pursuant to 28 U.S.C. § 1443, as no showing has been made that petitioner faces a deprivation of his federally protected civil rights in the District of Columbia proceedings.”).

Powell does not allege that the Superior Court somehow prevents him from defending himself against his landlord’s legal claims. Rather, the apparent goal is twofold: relief from unfavorable Superior Court rulings, and a loan from the SBA to Pricecheck, Inc. As Powell well knows, these matters are not properly before this Court. See *Powell v. U.S. Small Business Admin.*, No. 24-cv-0207 (D.D.C. Apr. 4, 2024); *JBG Smith Properties, LP First Residences v. Powell*, No. 23-cv3663, 2023 WL 11803455 (D.D.C. Dec. 14, 2023); see also *District Properties Assocs. v. District of Columbia*, 743 F.2d 21, 27 (D.C. Cir. 1984) (“[T]he doctrine of *Younger v. Harris*, 401 U.S. 37 (1971), and its progeny restrains federal courts from interfering in ongoing state judicial proceedings.”).

It is hereby

ORDERED that Powell’s motion for leave to proceed *in forma pauperis* [2] is GRANTED; it is further

ORDERED that Powell's motions for CM/ECF password [4], to stay the Superior Court proceedings [5], and for a preliminary injunction [6] are DENIED as moot; and it is further

ORDERED that this matter be **REMANDED FORTHWITH** to the Superior Court of the District of Columbia.

The Clerk of Court shall TERMINATE this case.

SO ORDERED.

December 5, 2024

ANA C. REYES
United States District Judge