

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES R. MALL, guardian ad)
litum of the Estate of)
SEGI IMANI PAYNE, a minor,)
Plaintiff,)
)
v.) Civil Action No. 89-0527
)
ATLANTIC FINANCIAL FEDERAL,)
J. RICHARD NARVIN,)
METROPOLITAN LIFE INSURANCE)
COMPANY, and CHASE MANHATTAN)
BANK NATIONAL ASSOCIATION,)
Defendants.)

MEMORANDUM AND ORDER

GARY L. LANCASTER,
United States Magistrate

This action for damages was originally filed in the Court of Common Pleas of Allegheny County, Pennsylvania. By Notice of Removal dated March 15, 1989, Metropolitan Life Insurance Company removed the case to the United States District Court. Before the court is Metropolitan's Rule 12(b)(6) motion to dismiss; however, because the court lacks jurisdiction to entertain this claim, it will be remanded to the state court.

A.

Accepting plaintiff's allegations as true, the following is the factual predicate for the claim:

Edgar Louis Payne died on June 20, 1984. At the time of his death, he was insured by a life insurance policy issued by Metropolitan. The Metropolitan policy was issued under the Federal Group Life Insurance Program, pursuant to the Federal

In accordance with the Magistrate's Act, 28 U.S.C.

§ 636(b)(1)(B) and (C), and Rule 4 of the Local Rules for Magistrates, the parties are allowed ten days from the date of service to file objections to this report and recommendation.

United States Magistrate

Dated: August 25, 1989

cc:

CERTIFIED MAIL, RETURN RECEIPT REQUESTED