

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

GREENBERRY BUSH TAYLOR, JR.,)	
)	
Plaintiff,)	
vs)	CIVIL ACTION 13-0344-KD-M
)	
OCWEN LOAN SERVICING, LLC, and)	
U.S. BANK NATIONAL ASSOCIATION,)	
)	
Defendants.)	

ORDER

After due and proper consideration of the issues raised, and a de novo determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court. Accordingly, it is ORDERED that Plaintiff's Motion to Remand (Docs. 8-9) be DENIED.

Plaintiff Greenberry Bush Taylor, Jr., objects to the Court's jurisdiction alleging that because he only demanded \$70,000.00 in Counts 3, 4, and 5, there is a presumption that the amount in controversy for federal jurisdiction is lacking. However, as explained in the report and recommendation, a request for injunctive relief also has value.

Taylor also takes issue with putting any value on his request for injunctive relief. In the Complaint, Taylor requests that the Court enter an order "prohibiting the defendants from initiating foreclosure proceedings based on the facts alleged herein." Taylor argues that since no foreclosure was attempted, this request has no value. However, the issue is not whether a foreclosure was cancelled or even planned, but rather the issue is the type of relief requested. The simplistic answer is that if the request is to temporarily stop an

identified foreclosure, then ordinarily the value of the house or mortgage is not the measuring stick to determine the value of the relief requested. However, if the request is to permanently enjoin an identified or even a future foreclosure, the whole of the mortgage or the value of the house becomes the value of the relief requested. Contrary to Taylor's assertion, the complaint clearly requests injunctive relief from a foreclosure and, while fact-specific, this relief is not asserted to be temporary.

DONE this the 17th day of December 2013.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE