

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

JASON DUFFY WALLACE

PLAINTIFF

V.

Civil No. 10-1029

DISCOVER BANK and SEARS

DEFENDANTS

O R D E R

On this 21st day of March 2011, there comes on for consideration the report and recommendation filed in this case on September 8, 2010, by the Honorable Barry A. Bryant, United States Magistrate for the Western District of Arkansas. (Doc. 8). Also before the Court are Plaintiff's objections (doc. 9) and motion to reconsider (doc. 12). Plaintiff's motion to reconsider (doc. 12) is GRANTED to the extent the Court reviewed this case *de novo*.

The court has reviewed this case *de novo* and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, this action is dismissed as Plaintiff failed to properly remove this action from State court pursuant to and in compliance with 28 U.S.C. § 1446. Discover Bank's Motion to Remand (doc. 10) is DENIED AS MOOT.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge