

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

MICHAEL A. EVANS,
Plaintiff,

vs.

Case No. 3:09cv467/MCR/EMT

STATE OF FLORIDA DEPARTMENT OF
REVENUE CHILD SUPPORT ENFORCEMENT,
Defendant.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated December 4, 2009. (Doc. 5). Plaintiff has been furnished a copy of the Report and Recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.

2. The removal is **DISMISSED** as improper and the clerk is directed to **REMAND** this case to the Circuit Court for Okaloosa County, Florida.

DONE AND ORDERED this 28th day of January, 2010.

s/ M. Casey Rodgers

**M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE**