

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TEDDY AND HELEN PROPERTY :
MANAGEMENT, LLC, :
 :
Plaintiff, :
 :
v. :
 :
CARLOS SKEETE, JR., :
 :
Defendant. :

CIVIL ACTION NO.
1:18-cv-2926-AT-LTW


ORDER

This matter is before the Court on the Magistrate Judge’s Final Report and Recommendation (“R&R”) [Doc. 2] that Defendant’s application to proceed without prepayment of costs be denied, or alternatively that this dispossessory action be remanded to the Magistrate Court of Henry County pursuant to 28 U.S.C. § 1447(c).

Under 28 U.S.C. § 636(b)(1), the Court reviews the Magistrate Judge’s R&R for clear error if no objections are filed to the report. 28 U.S.C. § 636(b)(1). If a party files objections, however, the district court must determine de novo any part of the Magistrate Judge’s disposition that is the subject of a proper objection. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b). As Defendant has filed documents construed as raising objections to the Magistrate Judge’s R&R, the Court reviews the R&R on a de novo basis.

The Court exercises its discretion to grant the Defendant's Application for the purpose of reviewing whether jurisdiction exists. Having reviewed the Report and Recommendation and finding it correct in all material respects, the Court hereby **OVERRULES** Defendant's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of this Court. For the reasons stated in the Magistrate Judge's Report and Recommendation, the Court lacks federal subject matter jurisdiction over this matter and the Court **REMANDS** this case to the Magistrate Court of Henry County.¹ There being no further issues before the Court, the Clerk is **DIRECTED** to close the case.

IT IS SO ORDERED this 10th day of July, 2018.



Amy Totenberg
United States District Judge

¹ As this case involves a *pro se* Defendant, the Court provides further guidance. An order remanding the case means that the case will continue to be heard, but in the court where it was originally filed – here, the Magistrate Court of Henry County. The case is simply being returned to the Magistrate Court for further proceedings. Any future motions should be filed with that court.