

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

MICHAEL BRANDNER, JR.,  
ET AL.

CIVIL ACTION

VERSUS

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY, ET AL.

No.: 17-00454-BAJ-RLB

RULING AND ORDER

Before this Court is the United States Magistrate Judge's **Report and Recommendation (Doc. 27)** pursuant to 28 U.S.C. § 636(b)(1). The Report and Recommendation addresses the Motion to Remand (Doc. 20) filed by Plaintiffs. The Magistrate Judge recommended that Plaintiff's Motion to Remand be denied because removal was timely under § 1446(b). (Doc. 27 at p. 9) The core issue is whether Defendant Mirna Velasquez's limited-term driver's license provided Defendants with adequate notice that she was a citizen of El Salvador, and thus, that the action was removable. (*Id.* at p. 4). Although only non-permanent resident aliens receive limited-term driver's licenses, the Magistrate Judge concluded that the limited-term driver's license, which was issued by the State of Louisiana and did not mention Velasquez's citizenship, did not trigger the thirty-day removal period because Velasquez's status as a citizen of El Salvador was not "unequivocally clear and certain" from the face of the license. (*Id.* at pp. 4, 8–9 (quoting *Bosky v. Kroger Tex., LP*, 288 F.3d 208, 211 (5th Cir. 2002))).

The Report and Recommendation notified the parties that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen (14) days from the date they received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. (*Id.* at p. 1). Neither party objected.

Having carefully considered the underlying Complaint, the instant motions, and related filings, the Court approves the Magistrate Judge's Report and Recommendation, and hereby adopts its findings of fact, conclusions of law, and recommendation.

Accordingly,

**IT IS ORDERED** that the **Magistrate Judge's Report and Recommendation (Doc. 27)** is **ADOPTED** as the Court's opinion herein.

**IT IS FURTHER ORDERED** that Plaintiff's **Motion to Remand (Doc. 20)** is **DENIED**.

Baton Rouge, Louisiana, this 17<sup>th</sup> day of October, 2017.



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**BRIAN A. JACKSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**