

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

MELISSA DURHAM

CIVIL ACTION

VERSUS

AMIKIDS BATON ROUGE, INC. ET AL.

NO.: 18-00559-BAJ-EWD

**RULING AND ORDER**

Before the Court is the United States Magistrate Judge's **Report and Recommendation (Doc. 11)** pursuant to 28 U.S.C. § 636(b)(1). The Report and Recommendation addresses *pro se* Plaintiff's Motion to Remand. (Doc. 5).

Plaintiff makes several arguments in support of remand. First, Plaintiff contends that remand is appropriate because she asserts "sex discrimination" rather than "race discrimination" under Title VII. (Doc. 5-1 at pp. 2-4). Second, Plaintiff contends that removal was prohibited by the Violence Against Women Act. (*Id.* at pp. 1-2). Third, Plaintiff contends that the removal was procedurally deficient because Defendants did not file notice in state court. (*Id.* at p. 4). Finally, Plaintiff contends that removal was an improper removal violating the forum defendant rule. (*Id.* at pp. 5-6). After a thorough review of the applicable law, the Magistrate Judge recommends that the petition be denied.

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. (Doc. 11 at p. 1). Neither party objected. Moreover, Plaintiff filed a Memorandum expressing her agreement with the Report and Recommendation (Doc. 12).

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 the findings of fact, conclusions of law, and recommendation.

Accordingly,

**IT IS ORDERED** that the **Magistrate Judge's Report and Recommendation (Doc. 11)**, is **ADOPTED** as the Court's opinion herein.

**IT IS FURTHER ORDERED** that Plaintiff's **Motion to Remand (Doc. 5)** is **DENIED**.

Baton Rouge, Louisiana, this 14<sup>th</sup> day of December, 2018.



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