

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

COMMUNITY NATIONAL BANK,

Plaintiff,

v.

**ORDER**

Civil File No. 09-2273 (MJD/JJG)

EVELYN WALLACE,

Defendant.

---

Mark E. Duea, Geck & Duea, LLC, Counsel for Plaintiff

Evelyn Wallace, pro se.

---

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated February 2, 2010. [Docket No. 21] Defendant Evelyn Wallace filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate

Judge Jeanne J. Graham dated February 2, 2010. Although Wallace has now provided some allegations regarding Plaintiff's citizenship within her objections, she has still failed to establish a sufficient amount in controversy, so diversity jurisdiction is lacking. Additionally, no federal question jurisdiction is created by the complaint filed in this matter.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation dated February 2, 2010 [Docket No. 21].
2. This action is **REMANDED** to District Court for the Second Judicial District, Ramsey County, Minnesota.

Dated: March 11, 2010

s/ Michael J. Davis \_\_\_\_\_  
Michael J. Davis  
Chief Judge  
United States District Court