

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Parkland Estate Homeowner's
Association,

Civil No. 18-1427 (DWF/HB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Jill McGrand, deceased; and Alex
Mehralian,

Defendants.

This matter is before the Court upon Defendant Alex Mehralian's ("Defendant") *pro se* objections (Doc. No. 10) to Magistrate Judge Hildy Bowbeer's Report and Recommendation (Doc. No. 9) insofar as it recommends that this matter be remanded to the Fourth Judicial District Court, Hennepin County, State of Minnesota, and Defendant's application to proceed *in forma pauperis* (Doc. No. 2) be denied as moot. Plaintiff Parkland Estate Homeowner's Association filed a response to Defendant's objection on June 24, 2018. (Doc. No. 11.)

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections. In the Report and Recommendation, the Magistrate Judge recommended that this matter be remanded to state court because the removal was improper and the Court lacks jurisdiction over the action. In particular, the Magistrate Judge explained that Defendant failed to demonstrate that there is a basis for federal

jurisdiction, has not established that the state-court action is one of which the Court has original jurisdiction, and filed the notice of removal after the time permitted under §1446(b). The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). After this review, the Court finds no reason that would warrant a departure from the Magistrate Judge's recommendations. The Magistrate Judge correctly concluded that this matter is properly remanded to state court. Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Alex Mehralian's *pro se* objections (Doc. No. [10]) to Magistrate Judge Hildy Bowbeer's June 4, 2018 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Hildy Bowbeer's June 4, 2018 Report and Recommendation (Doc. No. [9]) is **ADOPTED**.
3. This matter is **REMANDED** to the Fourth Judicial District Court, Hennepin County, State of Minnesota.
4. Defendant Alex Mehralian's application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 27, 2018

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge