

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**PRO CARE INC., d/b/a FRIENDLY CARE
MEDICAL TRANSPORTATION,**

Plaintiff,

v.

THOMAS SMITH, et al.,

Defendants.

Civ. No. 2:13-03506

(KM)(MAH)

ORDER

MCNULTY, District Judge.


This matter comes before the Court upon the Order to Show Cause by Hon. Michael A. Hammer, United States Magistrate Judge, directing the Plaintiff to show why subject matter jurisdiction exists (Docket No. 4); and the Plaintiff's letter consenting to the remand of this matter to the Superior Court of New Jersey, Middlesex County (Docket No. 5); and Judge Hammer having heard oral argument during a telephone status conference on August 15, 2013; and Judge Hammer having submitted a Report and Recommendation recommending that this matter be remanded; and neither Party having opposed the Report and Recommendation pursuant to 28 U.S.C. § 636 and Local Rule 7.1(c)(2); and the Court having considered the foregoing; pursuant to Fed. R. of Civil P. 78; and for good cause shown:

IT IS this 2nd day of January, 2014,

ORDERED that the Report and Recommendation is **AFFIRMED** pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72(b)(3);¹ and is further

¹ "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also U.S. v. Raddatz*, 447 U.S. 667, 680 (1980) (stating that the district court judge has broad discretion in accepting or rejecting the magistrate's recommendation).

ORDERED that the case is **REMANDED** to the Superior Court of New Jersey, Middlesex County, and the civil case be terminated by the Clerk of the Court.


KEVIN MCNULTY, U.S.D.J.