

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIO MARTINEZ,

Plaintiff,

-against-

DEWALT INDUSTRIAL TOOL CO., et al.,
Defendants.
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DEARIE, District Judge.

On February 7, 2011, defendant Probuild Company LLC filed a Notice of Removal removing this action from the Supreme Court of the State of New York, Queens County, on the basis of diversity jurisdiction.

By Report and Recommendation dated July 8, 2011, Magistrate Judge Orenstein advises that the parties' are in unanimous agreement that this court lacks subject matter jurisdiction and recommends that the court remand this case to the Supreme Court of the State of New York, Queens County. None of the parties filed objections.

Accordingly, the Report and Recommendation is adopted, and the case is remanded.

SO ORDERED.

Dated: Brooklyn, New York
September 8, 2011

s/Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

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**BROOKLYN OFFICE
ORDER**

11 CV 0655 (RJD) (JO)