

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Bank of America, NA	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:13cv598
vs.	:	
	:	Chief Judge Susan J. Dlott
Demetrious Y. Smith, et al.,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on September 19, 2013 (Doc. 14), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired September 27, 2013, hereby ADOPTS said Report and Recommendation.

The petition for removal of a state court action to this federal court is **DENIED**.

This matter is **DISMISSED** from the docket of this Court and **REMANDED** to state court. *See* 28 U.S.C. § 1447(c).

The Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of any Order adopting the Report and Recommendation will not be taken in good faith, therefore, denying Mr. Smith leave to appeal *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court