

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                                |   |                                      |
|--------------------------------|---|--------------------------------------|
| JOE L. AMERSON,                | : | Case No. 1:13-cv-918                 |
|                                | : |                                      |
| Plaintiff,                     | : | Judge Timothy S. Black               |
|                                | : | Magistrate Judge Stephanie K. Bowman |
| vs.                            | : |                                      |
|                                | : |                                      |
| PRESIDENT, FIDELITY INVESTMENT | : |                                      |
| COMPANY,                       | : |                                      |
|                                | : |                                      |
| Defendant.                     | : |                                      |

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. 2); (2) OVERRULING PLAINTIFF’S OBJECTIONS (Doc. 3); (3) DENYING PLAINTIFF’S MOTION TO PROCEED IN FORMA PAUPERIS (Doc. 1); (4) DENYING PLAINTIFF’S MOTION TO COMPEL (Doc. 4) AS MOOT; (5) DIRECTING THAT THIS CASE BE REMANDED TO THE COMMON PLEAS COURT OF HAMILTON COUNTY, OHIO; AND (6) TERMINATING THIS CASE ON THE COURT’S DOCKET**

This case is before the Court on the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman. (Doc. 2). The Magistrate Judge concludes that Plaintiff’s removal of this case from state court to federal court is improper because 28 U.S.C. § 1441 gives defendants, not plaintiffs, the right to remove cases to federal court. (Doc. 4). Plaintiff filed a lengthy Objection to the Report and Recommendation of the Magistrate Judge in which Plaintiff fails to adequately address the specific conclusion of the Magistrate Judge, and instead, appears to argue the purported merits of his case. (Doc. 3). Plaintiff also filed a Motion to Compel Production of Documents from Defendant. (Doc. 4). These matters are ripe for decision.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), upon reviewing Plaintiff's filings and the comprehensive findings of the Magistrate Judge *de novo*, the Court: (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge in its entirety (Doc. 2); (2) **OVERRULES** Plaintiff's Objections (Doc. 3); (3) **DENIES** Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 1); (4) **DENIES** Plaintiff's Motion to Compel (Doc. 4) as **MOOT**; (5) **ORDERS** that the Clerk **REMAND** this case to the Common Pleas Court of Hamilton County, Ohio; and (6) **TERMINATES** this case on the Court's docket, after the Clerk has entered judgment accordingly.

**IT IS SO ORDERED.**

Date: 2/26/14

/s/ Timothy S. Black  
Timothy S. Black  
United States District Judge