UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

WELLS FARGO BANK, NA, : Case No. 1:16-cv-924

:

Plaintiff, : Judge Timothy S. Black

Magistrate Judge Karen L. Litkovitz

VS.

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THOMAS L. BRAME, SR., et al.,

:

Defendants.

DECISION AND ENTRY ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 8)

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on September 23, 2016, submitted a Report and Recommendation. (Doc. 8). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly, **IT IS ORDERED** that:

- 1) Defendants' construed petition for removal (see Doc. 1-1) is **DENIED**;
- 2) This matter is **REMANDED** to the state court;
- 3) Plaintiff's motion to remand (Doc. 10) is **DENIED** as moot;

4) This matter is **DISMISSED** from the docket of this Court;

Furthermore, the Court certifies that pursuant to 28 U.S.C. § 1915(a), an appeal of

this Order would not be taken in good faith. Therefore, Defendants are denied leave to

appeal in forma pauperis. Defendants remain free to apply to proceed in forma pauperis

to the Sixth Circuit 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.

Date: 10/27/16 <u>s/Timothy S. Black</u>

Timothy S. Black

United States District Judge