IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

HOOD CUSTOM HOMES, LLC,   )
)
            Plaintiff,   )
)   Civil Case No. 08-1506-JE
        v.   )
)   O R D E R
ILLINOIS NATIONAL INSURANCE)
COMPANY,   )
)
            Defendant.   )
_____)

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KING, Judge:

The Honorable John Jelderks, United States Magistrate Judge, filed an Opinion and Order on April 15, 2009. Plaintiff filed timely objections to the Opinion and Order.

When either party objects to any portion of a magistrate's ruling concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The court will adopt the rulings from several other circuits that a motion to remand is a dispositive motion. William v. Beemiller, 527 F. 3rd 259, 265 (2d Cir. 2008) (collecting cases from Third, Sixth, and Tenth Circuits). This court has, therefore, given de novo review of the rulings of Magistrate Judge Jelderks.

This court ADOPTS the Opinion and Order of Magistrate Judge Jelderks dated April 15, 2009 in its entirety. I also disavow the dicta in my previous Opinion in Employers-Shopmens Local 516 Pension Trust v. Travelers Casualty and Surety Company of America, 2005 WL 1653629 (D. Or. July 6, 2005), after considering the reasoning in more recent cases.

IT IS HEREBY ORDERED that Defendant's Motion for Leave to File an Amended Notice of Removal is granted. Plaintiff's Motion to Remand (#4) is denied.

DATED this _26_ day of May, 2009.

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GARR M. KING
United States District Judge