

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LISA MORGAN, Surviving Co- Executrix and Co-Trustee under the Last Will of Robert M. Mumma, Deceased,	:	CIVIL ACTION NO. 1:15-CV-88
	:	
	:	(Chief Judge Conner)
	:	
Plaintiff	:	
	:	
v.	:	
	:	
ROBERT M. MUMMA, II,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 4th day of May, 2015, upon consideration of the report (Doc. 10) of Magistrate Judge Joseph F. Saporito, Jr., recommending the court grant plaintiff's motion (Doc. 4) to remand the above-captioned action to the Court of Common Pleas for Cumberland County, Pennsylvania, wherein Judge Saporito finds that defendant's notice of removal (Doc. 1) of a state court judgment is both untimely and procedurally improper, (see Doc. 10 at 4-10), and, following an independent review of the record, the court in agreement with the magistrate judge's findings, and the court noting that defendant has objected (Doc. 11)¹ to the

¹ When a party objects to a magistrate judge's report and recommendation, the district court performs a *de novo* review of the contested portions of the report. See Behar v. Pa. Dep't of Trans., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). In this regard, Local Rule of Court 72.3 requires written objections to "specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections." LOCAL RULE OF COURT 72.3; also Behar, 791 F. Supp. 2d at 389 (citing Shields v. Astrue, Civ. No. 07-417, 2008 U.S. Dist. LEXIS 74519, at *6 (M.D. Pa. Sept. 8, 2008)).

report, and the court finding defendant's objection to be without merit and squarely addressed by Judge Saporito's report, it is hereby ORDERED that:

1. The report (Doc. 10) of Magistrate Judge Saporito is ADOPTED in its entirety.
2. Plaintiff's motion (Doc. 4) to remand is GRANTED.
3. The above-captioned action is REMANDED to the Court of Common Pleas for Cumberland County, Pennsylvania.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania