

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

U.S. BANK NATIONAL ASSOCIATION, :
As indenture trustee for Sasco :
Mortgage Loan Trust 2004-GEL3 :

Plaintiff, :

v. : 3:17-CV-1374

(JUDGE MARIANI)

MOLITA WOODLEY, :

Defendant. :

ORDER

AND NOW, THIS 15th DAY OF DECEMBER, 2017, upon *de novo* review¹ of

Magistrate Judge Mehalchick’s Report and Recommendation (“R&R”) (Doc. 8), and

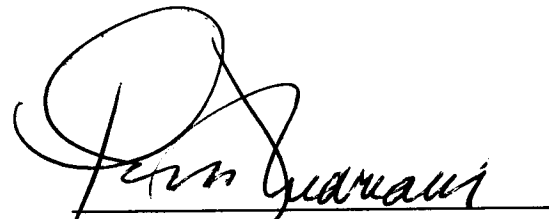
Defendant Woodley’s Objections thereto, **IT IS HEREBY ORDERED THAT:**

1. Defendant’s Motion to Proceed *In Forma Pauperis* is **GRANTED**.
2. The R&R (Doc. 8) is **ADOPTED** for the reasons stated therein.²

¹ Following the issuance of the R&R, Defendant Woodley submitted a document entitled “Defendant’s Opposition to Plaintiff’s Motion to Remand to Pennsylvania State Court” (Doc. 9). With the exception of the last page of this document, it appears identical to Defendant’s original brief filed in opposition to Plaintiff’s Motion to Remand (see Doc. 7). Nonetheless, although the Court does not read Defendant’s second brief in opposition, filed after the issuance of the R&R, as asserting any objections to the R&R itself, in the interest of providing Defendant with all reasonable inferences, the Court has performed a *de novo* review of the R&R and the record in this action.

² As the Court noted in its prior Order (Doc. 4), Defendant Woodley filed a notice of appeal of the Court of Common Pleas decisions to the Pennsylvania Superior Court on August 3, 2017. Thus, in addition to the reasons set forth by the Magistrate Judge, if Woodley’s appeal remains pending in the Superior Court, Woodley may also be barred from removing this action to federal court by the abstention doctrine enunciated in *Younger v. Harris*, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971), and made applicable to civil proceedings in multiple Supreme Court cases (see e.g., *Sprint Communications, Inc. v. Jacobs*, 134 S.Ct. 584, 588, 591, 187 L.Ed.2d 505 (2013))(reiterating its prior limitations of *Younger* to “state criminal

3. Defendant Woodley's Objections (Doc. 9) are **OVERRULED**.
4. Plaintiff's Motion for Remand to the Monroe County Court of Common Pleas (Doc. 5) is **GRANTED**.
5. Defendant's "Motion for a Stay Pending Appeal", also titled as "Emergency Petition for Stay", (Doc. 3), is **DISMISSED AS MOOT**.
6. The Clerk of Court is directed to **CLOSE** the above-captioned action.



Robert D. Mariani
United States District Judge

prosecutions, civil enforcement proceedings, and civil proceedings involving certain orders that are uniquely in furtherance of the state courts' ability to perform their judicial functions."(internal quotation marks omitted)).