

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

RECEIVED
USDC CLERK, CHARLESTON, SC

2015 SEP -4 A 10:06

Nationstar Mortgage LLC,)
)
Plaintiff,)
)
v.)
)
John Bradley, Jr., et al.,)
)
Defendants.)
_____)

Civil Action No. 2:15-cv-0508-RMG

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 14) recommending that this Court grant Plaintiff’s Motion to Remand (Dkt. No. 5). The Court hereby adopts the R&R, grants Plaintiff’s motion, and remands this matter to the Court of Common Pleas, Dorchester County.

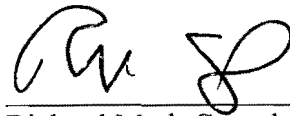
Defendant Bradley was sued by Plaintiff Nationstar in a foreclosure action (Civil Action No. 11-CP-18-2026), and a judgment was issued on February 2, 2015, granting Plaintiff summary judgment. Defendant thereafter filed a notice of removal to this court, asserting that this matter is a “core proceeding” under the Federal Bankruptcy laws and should therefore have been resolved as a part of his bankruptcy proceeding. However, the Bankruptcy Court that heard his bankruptcy court has already ruled that abstention was proper as to the foreclosure proceedings, and an order terminating that case was entered June 25, 2012. The notice of removal was therefore well outside the applicable 90 day time limit found in Bankruptcy Rule 9017(a)(2). The same is true of Defendant’s quiet title action, which he has also attempted to remove to this Court.

Upon the issuance of the R&R, Defendant was advised that any written objections to the R&R must be made within 14 days of service, and that in the absence of timely written

objections this Court would provide limited “clear error” review and Plaintiff would waive his right to appeal the judgment of the District Court. (Dkt. No. 14 at 7). Defendant has not filed objections to the R&R.

The Court has reviewed the R&R, the full administrative record in this matter and the relevant legal authorities. The Court finds that the Magistrate Judge ably and promptly summarized the factual and legal issues and appropriately recommended that the breach of contract claim should be dismissed. Therefore, the Court hereby **adopts** the R&R as the order of this Court, and **remands** the case to state court.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

September 4, 2015
Charleston, South Carolina