

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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Ocwen Loan Servicing, LLC,)
)
Plaintiff,)
)
v.)
)
Zena McPherson)
)
Defendant.)
_____)

Civil Action No. 2:16-1449-RMG

ORDER

This matter is before the Court on the Report and Recommendation of the Magistrate Judge, recommending that this mortgage foreclosure action be remanded to the South Carolina Court of Common Pleas. Defendant Zena McPherson did not file her notice of removal within the thirty-day period required by 28 U.S.C. § 1446(b). (*See* Dkt. No. 6-1 at 4 (Plaintiff served on May 29, 2014) & Dkt. No. 1 (notice of removal filed nearly a year later on May 5, 2016).) Defendant has not disputed the date of service, and Plaintiff’s objection to the untimely removal, made one day after the notice of removal was filed, was itself timely under 28 U.S.C. § 1447(c). (Dkt. No. 6-1 at 4.) Therefore, the Court must remand this action to state court. Furthermore, even if the notice had been timely filed, there would be no basis for federal jurisdiction. As the Magistrate Judge found, Plaintiff asserts only state law claims and the parties are not diverse. The Court therefore **ADOPTS** the Report and Recommendation (Dkt. No. 15) as the Order of the Court and **REMANDS** this matter to the South Carolina Court of Common Pleas, Berkeley County.

AND IT IS SO ORDERED.


Richard Mark Gergel
United States District Court Judge

July 15, 2016
Charleston, South Carolina