

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Michael E. Hamm,)
)
 Plaintiff,)
)
 v.)
)
 NFN Bogle, Jr., *et al.*,)
)
 Defendants.)
_____)

Civil Action No. 9:17-809-RMG-BM

ORDER AND OPINION

This matter is before the Court on the Report and Recommendation of the Magistrate Judge, recommending denial of Plaintiff’s motion to remand to state court. This matter was originally filed in the Berkeley County Court of Common Pleas, but was removed by Defendants on March 27, 2017 on the basis of Plaintiff’s federal constitutional claims. (Dkt. No. 1.) On April 12, 2017, Plaintiff moved to remand, but on May 30, 2017, Plaintiff, in response to an order of the Court, advised that he does not intend to drop his federal claims. (Dkt. No. 20.) Plaintiff’s motion to remand therefore is without merit. *See* 28 U.S.C. § 1441 (allowing removal of a state court action to a federal district court if the action could have been originally filed in the federal court). For that reason, the Magistrate Judge recommends denial of the motion to remand. Plaintiff has not objected to the Report and Recommendation.

The Court therefore **ADOPTS** the Report and Recommendation of the Magistrate Judge (Dkt. No. 24) as the Order of the Court and **DENIES** Plaintiff’s motion to remand (Dkt. No. 12).

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

June 22, 2017
Charleston, South Carolina