

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MARCO VALDEZ, derivatively on behalf of)
MILLER ENERGY RESOURCES, INC.,)

Plaintiff,)

v.)

No.: 3:11-CV-462
(VARLAN/SHIRLEY)

DELOY MILLER, SCOTT M. BORUFF,)
JONATHAN S. GROSS,)
HERMAN GETTELFINGER,)
DAVID HALL, MERRILL A. MCPEAK,)
CHARLES M. STIVERS,)
DON A. TURKLESON, and)
DAVID VOYTICKY,)

Defendants,)

and)

MILLER ENERGY RESOURCES, INC.,)

Nominal Defendant.)

ORDER

This civil matter is before the Court on the Report and Recommendation (the “R&R”) entered by U.S. Magistrate Judge C. Clifford Shirley, Jr., on January 20, 2012 [Doc. 36]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After careful review of the matter, the Court is in agreement with Magistrate Judge Shirley’s recommendations, which the Court adopts and incorporates into its ruling.

Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 36] and **GRANTS IN PART AND DENIES IN PART** plaintiff's Motion to Remand [Doc. 6]. This case is hereby **REMANDED** to the Chancery Court for Knox County, Tennessee, pursuant to 28 U.S.C. § 1447, and plaintiff's request for attorneys' fees and costs is hereby **DENIED**. All pending motions [Docs. 16, 20, 23, 29] are **DENIED as moot**. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE