

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JACK VICTOR MILLER,)
)
 Plaintiff,)
)
 v.) Civil No. 3:17-cv-00791
)
 KENNETH "KENNY" HURST, ET AL.,)
)
 Defendants.)
)
 Judge Trauger

O R D E R

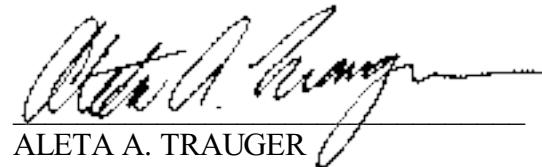
The plaintiff's Motion to Request Extension of Time to File Response to R&R and Defendant's Motion to Dismiss Plaintiff's First Amended Complaint or for Abstention (Docket No. 52) is DENIED IN PART, to the extent that the plaintiff seeks an extension of time to file objections to the pending Report and Recommendation (Docket No. 48). The remaining part of this motion to extend the deadline to respond to the pending Motion to Dismiss is for the magistrate judge to rule upon.

Because no timely objections have been filed, the Report and Recommendation filed by the magistrate judge on February 16, 2018 (Docket No. 48) is ACCEPTED and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby ORDERED that the defendants' Joint Motion to Remand or to Strike (Docket No. 38) is GRANTED, and to the extent that the plaintiff has removed state claims from the Chancery Court for Rutherford County, Tennessee, they are hereby REMANDED back to that court.

The court notes that, on March 6, 2018, the plaintiff filed a Motion for Leave to file Second Amended Complaint (Docket No. 53), which has not yet been ruled upon by the magistrate judge. Despite that, on March 9, 2018, the plaintiff filed a Second Amended Complaint (Docket No. 56). This filing has not yet been authorized by the court.

It is hereby **ORDERED**.

Enter this 12th day of March 2018.



ALETA A. TRAUGER
U.S. District Judge