

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

U.S. BANK, NATIONAL ASSOCIATION,)
)
 Plaintiff,)
)
 v.)
)
 ANDREA JOHNSON,)
)
 Defendant,)
)
 ANDREA JOHNSON,)
)
 Third-Party Plaintiff,)
)
 v.)
)
 U.S. BANK NATIONAL ASSOCIATION, J.)
 PHILLIP JONES, JOYCE FULTZ, and)
 BRUCE L. FLEBAUM,)
)
 Third-Party Defendants.)

No. 14-2132-STA-dkv

**ORDER ADOPTING THE MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION FOR *SUA SPONTE* REMAND**

On February 26, 2014, Defendant and Third-Party Plaintiff Andrea Johnson (“Johnson”) filed a Notice of Removal (D.E. # 1). On February 27, 2014, the Court issued an Order (D.E. # 4) granting leave for Johnson to proceed *in forma pauperis*. On May 8, 2014, the Third-Party Defendants filed an Answer to the removed Complaint, which asserted, among other defenses, that this Court lacks subject matter jurisdiction over the Complaint.

This case has been referred to Magistrate Judge Diane K. Vescovo for case management

and for all pretrial matters for determination and/or report and recommendation as appropriate.

At a Scheduling Conference held on May 30, 2014, the Magistrate Judge noted that she had not had the opportunity to screen the case pursuant to 28 U.S.C. § 1915(e)(2) because the case had not properly been flagged as a *pro se* non-prisoner case and that she would issue a report and recommendation for *sua sponte* remand shortly. On June 2, 2014, the Magistrate Judge entered a Report & Recommendation (D.E. # 11), recommending that the Complaint be dismissed for lack of subject matter jurisdiction. Objections to the Report and Recommendation were due within 14 days of the entry of the Report, making the objections due on or before June 16, 2014. Neither party has filed objections within the time permitted.

Having reviewed the Magistrate Judge's Report and Recommendation *de novo*, the parties' briefs, and the entire record of the proceeding, the Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation. Consistent with the Report and Recommendation, Johnson's Complaint is **DISMISSED** for lack of subject matter jurisdiction and is **REMANDED** to Shelby County Court of General Sessions.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: July 8, 2014.