IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

JOSEPH BUCHERT, JR.,	§	
	§	
Plaintiff,	§	
	§	CASE NO. 6:16-CV-502-RWS-JDL
	§	
v.	§	
	§	
HOME DEPOT U.S.A., INC. d/b/a/ THE	§	
HOME DEPOT, RAYMOND CORP.,	§	
and RAY L. JOHNSON,	§	
	§	
Defendants.	§	
	§	

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Before the Court is Plaintiff Joseph Buchert, Jr.'s Motion to Remand pursuant to 28 U.S.C. 1441(b) (Docket No. 6), to which Defendant The Raymond Corp. ("Raymond") filed a Response (Docket No. 9). On September 23, 2016, Magistrate Judge John D. Love filed a Report and Recommendation that contains his proposed findings of fact and recommendations. Docket No. 12. The Magistrate Judge recommended granting Plaintiff's motion to remand because Defendant Ray Johnson was not fraudulently joined and is not diverse from Plaintiff. *Id.* at 8. No objections to the Report and Recommendation were filed during the prescribed objection period. Accordingly, the Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation.

For the reasons stated in the Report and Recommendation, Plaintiff's motion to remand is **GRANTED** and Plaintiff's request for attorney's fees is **DENIED**.

So ORDERED and SIGNED this 7th day of November, 2016.

ROBERT W. SCHROEDER III

UNITED STATES DISTRICT JUDGE