UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

RELVY BALDERAS,
Plaintiff,

v.

GUADALUPE LUIS QUIROZ DE LA ROSA, TRANSPORTES ESPECIALIZADOS ANTONIO GARZA RUIZ SA DE CV, and PETRO SERVICIOS DEL NORTE SA DE CV,
Defendants.

Case No.: **DR:24-CV-00099-EG**

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of the Honorable Matthew Watters, United States Magistrate Judge, filed on December 11, 2024. ECF 8. Also before the Court is the Plaintiff, Relvy Balderas's Motion to Remand, filed on November 12, 2024. ECF 4.

Defendants, Guadalupe Luis Quiroz De La Rosa, Transportes Especializados Antonio Garza Ruiz SA DE CV, and Petro Servicios Del Norte SA DE CV, filed a Notice of Consent for Remand (the "Notice") on November 27, 2024. ECF 6. Furthermore, no objection to the Report and Recommendation has been filed. As no objection has been filed to date and based on the contents of the Notice, the Court considers the instant Report and Recommendation. The Court need not conduct a *de novo* review of the matter. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Rather, the Court reviews a report and recommendation to determine whether it is erroneous or clearly contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

The Court has examined the Report and Recommendation and concludes its findings and conclusions are neither erroneous nor clearly contrary to law. The Court's review of the record confirmed more than 30 days had expired from the time each Defendant was served with a copy of the Complaint to the date Defendants' Notice of Removal was filed. The Court therefore **ADOPTS** the findings and conclusions contained within it.

As such, the Plaintiff's Motion to Remand, ECF 4, is **GRANTED**. Removal to district court pursuant to 28 U.S.C. § 1446(a) was defective under 28 U.S.C. § 1446(b), which required Defendant's Notice of Removal to have been filed within 30 days after Defendants were served. Remand is permitted for such a defect under 28 U.S.C. § 1447(c). Therefore, the Court hereby **ORDERS** this case remanded to the 293rd Judicial District Court of Maverick County, Texas. It is further **ORDERED** that the case is **DISMISSED**.

IT IS SO ORDERED this 6th day of January 2025.

Ernest Gonzalez

ERNEST GONZALEZ
UNITED STATES DISTRICT JUDGE