
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CEDRIC GREENE,

Plaintiff,

vs.

**ASURION INSURANCE SERVICES,
INC.,**

Defendants.

**MEMORANDUM DECISION
AND ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 2:17CV623DAK

Judge Dale A. Kimball

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Brooke C. Wells under 28 U.S.C. § 636(b)(1)(B). On June 29, 2017, Magistrate Judge Brooke Wells issued a Report and Recommendation, recommending that Plaintiffs' case be dismissed for lack of jurisdiction and that Plaintiff have filing restrictions placed on him. The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation was required to be filed within fourteen days of receiving it. Plaintiff sought an extension of time to file an objection and filed an objection on July 21, 2017.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the record *de novo* and agrees with Magistrate Judge Wells' recommendation to dismiss the case for lack of jurisdiction. Because the Complaint does not present a federal question or establish diversity jurisdiction, the case must be filed in state court. Unlike federal court, which has

limited jurisdiction, state courts have general jurisdiction.

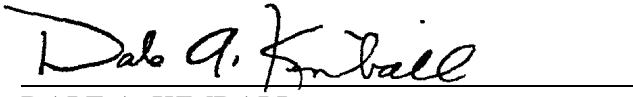
Plaintiff's objection states that he is asking the court to transfer the action to a lower level court within the state of Utah that can handle the matter. However, there are only limited situations in which a federal court can send a case to the state court, and this is not such a case. A federal court can remand an action to the state court when the action was improperly removed from state court to federal court, but the federal court cannot transfer a case to state court that was filed originally in federal court.

The Report and Recommendation also recommends that restrictions be placed on Plaintiff's ability to file new actions in this court. As detailed more fully in the Report and Recommendation, in the past year, Plaintiff has filed twelve cases in this court and seven of those have lacked jurisdiction. Despite his numerous filings, the court declines to find Plaintiff a vexatious litigant in an order merely determining that the court lacks jurisdiction. The court has not reviewed the merits of the dispute.

Accordingly, the court adopts and affirms Magistrate Judge Wells' Report and Recommendation with respect to the jurisdictional issue. This case is DISMISSED for lack of jurisdiction.

DATED this 1st day of August, 2017.

BY THE COURT:



DALE A. KIMBALL
United States District Judge