
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

CHARLES SCHULTZ,

Plaintiff,

v.

MICHAEL AVERETT, HEATHER
BATEMAN, KASEY BATEMAN, JAY
BINKERD, JONATHAN BLOTTER, ERIC
BUNKER, LYNN CRISLER, LAMBERT
DEEGAN, MICHAEL DUGGIN, JOHN
GLODOWSKI, DIANE GROSE, DANIEL
HARVATH, KIM NORRIS, ED
PRESSGROVE, LANCE TURNER, PAM
SKINNER, LYNNE SCHINDURLING,
FRANCIS SMITH, GARY WALTON,
GARY WEIGHT, THE TOWNSHIP OF
DANIEL, and JOHN OR JANE DOES 1
through 10,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:15-cv-00720-JNP-EJF

Judge Jill N. Parrish

Charles Schultz moved to remand this case to state court, arguing that this court lacked subject matter jurisdiction. (Docket 11). Magistrate Judge Furse reviewed the motion and issued a Report and Recommendation proposing that the remand motion be denied. (Docket 17). Judge Furse reasoned that Mr. Schultz's claims raise a federal question and that the defendants properly removed this case to federal court. Mr. Schultz filed an objection to the Report and Recommendation. (Docket 18).

In the Tenth Circuit, a motion for remand heard by a magistrate is a dispositive motion governed by rule 72(b) of the Federal Rules of Civil Procedure. *First Union Mortg. Corp. v. Smith*, 229 F.3d 992, 996 (10th Cir. 2000). This court, therefore, "must determine de novo any

part of the magistrate judge's disposition that has been properly objected to." FED. R. CIV. P. 72(b)(3).

Based on the court's *de novo* review of the record, the relevant legal authorities, and Judge Furse's Report and Recommendation, the court concludes that the Report and Recommendation is correct. This court has jurisdiction over Mr. Schultz's lawsuit. Accordingly, the court ORDERS as follows:

1. The Report and Recommendation (Docket 17) is ADOPTED IN FULL.
2. Mr. Schultz's Motion to Remand (Docket 11) is DENIED.

SO ORDERED this 6th day of September, 2016.

BY THE COURT:



JILL N. PARRISH
United States District Judge