

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 6:18-cv-235-Orl-37DCI

RANDAL THOMAS ROSADO,

Defendant.

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**ORDER**

The State of Florida initiated a criminal action against Defendant by filing an information in state court, which charges him with fifteen felony violations of state law related to the issuance of false arrest warrants and intimidation of state court personnel. (*See* Doc. 1-1, pp. 3-6.) Contending that this prosecution is federal in nature because it involves federal agents, traverses several jurisdictions, and touches the Federal Arbitration Act, Defendant purports to remove this action under 28 U.S.C. § 1455. (*See* Doc. 1-2 (“**Notice of Removal**”).) After conducting a *sua sponte* review of the Notice of Removal, U.S. Magistrate Judge Daniel C. Irick recommends that the Court remand this case. (Doc. 2 (“**R&R**”).)

Although Defendant relies on the appropriate removal provision, Magistrate Judge Irick concludes that the Notice of Removal is defective. (*Id.* at 3.) Specifically, he finds that the Notice of Removal is improper because it: (1) was filed in the wrong division of this Court; (2) is untimely and fails to demonstrate good cause for this

tardiness; and (3) fails to invoke any recognized statutory basis for removal. (*Id.* at 3–5.)

No party objected to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 2) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. This case is **REMANDED** to the Circuit Court for the Twelfth Judicial Circuit of Florida, in and for Lee County, Florida.
3. The Clerk is **DIRECTED** to close the file.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on March 14, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:

*Pro Se* Party

Counsel of Record

The Circuit Court for the Twelfth Judicial Circuit of Florida,  
in and for Lee County, Florida.

