

1 On April 4, 2012, Plaintiff filed a motion to remand the action to state court, contending the
2 Court lacked jurisdiction to hear the action in the absence of a federal question or complete diversity
3 of citizenship between the parties. Defendant filed its opposition to Plaintiff's motion on April 20,
4 2012, contending the action was substantially dependent on the interpretation of the parties'
5 collective bargaining agreement and was therefore within the confines of (and preempted by) the
6 Labor Management Relations Act. Plaintiff filed his reply to Defendant's opposition on April 27,
7 2012. On May 21, 2012, the Magistrate Judge issued findings and recommendations recommending
8 Plaintiff's motion be granted. On June 5, 2012, Defendant filed its objections to the findings and
9 recommendations. On June 19, 2012, Plaintiff filed his response to Defendant's objections.

10 As to a magistrate judge's findings and recommendations, the Court "shall make a de novo
11 determination of those portions of the report or specified proposed findings or recommendations to
12 which objection is made" and "may accept, reject, or modify, in whole or in part, the findings or
13 recommendations[.]" 28 U.S.C. § 636(b)(1). The Court "may also receive further evidence or
14 recommit the matter to the magistrate judge with instructions." *Id.* The Court has conducted a de
15 novo review of the case in accordance with the provisions of section 636(b)(1) and Local Rule 305.
16 Having reviewed the pleadings of record and all competent and admissible evidence submitted, the
17 Court finds the Magistrate Judge's recommendation that Plaintiff's class action be remanded to state
18 court to be supported by the record and proper analysis. Accordingly, the findings and
19 recommendations issued May 21, 2012 are ADOPTED IN FULL. Plaintiff's motion to remand is
20 hereby GRANTED, and the action is ordered to be REMANDED to Merced County Superior Court.
21 IT IS SO ORDERED.

22 Dated: July 19, 2012

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24 CHIEF UNITED STATES DISTRICT JUDGE
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