IN THE UNITED STATES DISTRICT COURT FOR THE	
EASTERN DISTRICT OF CALIFORNIA	
LUIS ENRIQUE MELCHOR, on behalf of himself and all others similarly situated,) Plaintiff,) v.) FOSTER POULTRY FARMS, INC.,) and DOES 1-50, inclusive,)	1:12-cv-00339-AWI-GSA ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND REMANDING ACTION (Docs. 20, 21, 23)
Defendants.	

The Court refers the parties to previous orders for a complete chronology of the proceedings. On January 9, 2012, plaintiff Luis Enrique Melchor ("Plaintiff"), on behalf of himself and all others similarly situated, filed his class action complaint in Merced County Superior Court against defendant Foster Poultry Farms, Inc. ("Defendant") and Does 1-50, inclusive, asserting causes of action for (1) "failure to compensate for all hours worked," (2) "failure to pay overtime wages," (3) "failure to provide meal and rest periods," (4) "unpaid wages and waiting time penalties pursuant to [California] Labor Code §§ 201-203," (5) "California wage statement class for failure to properly itemize pay stubs in violation of California Labor Code Sections 226(a), (e) and (g)" and (6) violation of California Business and Professions Code §§ 17200 et seq. On March 5, 2012, Defendant removed the action to this Court pursuant to 28 U.S.C. § 1441(b).

On April 4, 2012, Plaintiff filed a motion to remand the action to state court, contending the 1 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, 2012, contending the action was substantially dependent on the interpretation of the parties' 4 5 collective bargaining agreement and was therefore within the confines of (and preempted by) the Labor Management Relations Act. Plaintiff filed his reply to Defendant's opposition on April 27, 6 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 recommendations. On June 19, 2012, Plaintiff filed his response to Defendant's objections.

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

Dated: July 19, 2012

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CHIEF UNITED STATES DISTRICT JUDGE