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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

No. CIV S-11-0784 GEB EFB PS

vs.

TERRYLYN MCCAIN,

Defendant.

ORDER

On March 24, 2011, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Defendant filed objections on April 7, 2011, and they were considered by the undersigned.¹

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made,

¹ On April 8, 2011, defendant also filed an amended notice of removal. Dckt. No. 5. That document fails to cure the deficiencies noted in the magistrate judge's findings and recommendations. Defendant also filed counterclaims on April 27, 2011. Dckt. No. 6.

1 the court assumes its correctness and decides the motions on the applicable law. See Orand v.
2 United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
3 reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir.
4 1983).

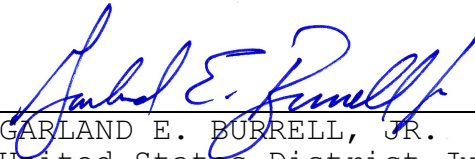
5 The court has reviewed the applicable legal standards and, good cause appearing,
6 concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.

7 Accordingly, IT IS ORDERED that:

8 1. The proposed Findings and Recommendations filed March 24, 2011, are
9 ADOPTED; and

10 2. This case is REMANDED to the Superior Court of the State of California in
11 and for the County of San Joaquin.

12 Dated: May 10, 2011

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GARLAND E. BURRELL, JR.
United States District Judge