

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

KENDALL BROUGHTON,

1:08-cv-00283-AWI-SMS-PC

Plaintiff,

ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS  
(Doc. 6.)

vs.

JAMES YATES, et al.,

ORDER DENYING PLAINTIFF'S  
REQUEST FOR REMAND  
(Doc. 5.)

Defendants.

\_\_\_\_\_ /

Kendall Broughton ("plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On February 18, 2009, findings and recommendations were entered, recommending that plaintiff's request for this action to be remanded to the Fresno County Superior Court be denied. Plaintiff was provided an opportunity to file objections to the findings and recommendations within thirty days. To date, plaintiff has not filed objections or otherwise responded to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and proper analysis.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on February 18, 2009, are ADOPTED in full; and
2. Plaintiff's request for remand, filed March 14, 2008, is DENIED.

IT IS SO ORDERED.

**Dated:** April 16, 2009

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE