

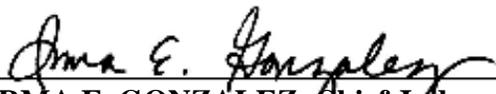


1 Amendment nor specifically alleges a cause of action under 42 U.S.C. § 1983. Instead, Magistrate  
2 Judge Snyder found Plaintiff's complaint alleges a state negligence claim not arising under federal  
3 law such that the federal court lacks subject matter jurisdiction.

4 No party has filed any objection to the report and recommendation. Upon review, the  
5 Court finds the report and recommendation to be well-reasoned and adopts it in full. The Court  
6 GRANTS Plaintiff's motion to remand [Doc. No. 7], terminating this case.

7 **IT IS SO ORDERED.**

8 **DATED: January 5, 2009**

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10 **IRMA E. GONZALEZ, Chief Judge**  
11 **United States District Court**  
12 **Southern District of California**

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