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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARY AMARAL, JOE AMARAL, and  
DANNY AMARAL,

Plaintiff,

v.

WACHOVIA MORTGAGE  
CORPORATION, et al.,

Defendants,

) 1:09-cv-937-AWI-GSA  
)  
)  
)

) ORDER ADOPTING FINDINGS AND  
) RECOMMENDATIONS  
)

) ORDER REMANDING CASE TO  
) KINGS COUNTY SUPERIOR COURT  
)

) ORDER DIRECTING CLERK TO  
) ENTER JUDGMENT  
)

(Doc 149)

On April 21, 2009, Plaintiffs Mary Amaral, Joe Amaral and Danny Amaral (“Plaintiffs”) filed a complaint in the Kings County Superior Court of California alleging mortgage fraud against Defendants Wachovia Mortgage Corporation (“Wachovia”) and Carrington Mortgage Services. (Doc. 24-1). On May 28, 2009, Carrington removed this action to this Court from the Kings County Superior Court of California. (Doc. 2).

However, during the course of the proceedings, several defendants were dismissed and Plaintiffs subsequently filed a Second Amended Complaint naming Heather Vasquez, an individual residing in California, as the sole defendant and alleging state law claims. (Doc. 115). Plaintiffs also filed a Motion for Default Judgment on October 21, 2011. (Doc. 145-147). Upon a review of the Motion for Default Judgment, the Magistrate Judge issued Findings and

1 Recommendations recommending that the case be remanded to the Kings County Superior Court.  
2 (Doc. 149). The basis for the remand was that this Court no longer had jurisdiction over the state  
3 law claims. The parties were served with the Findings and Recommendations and were advised  
4 that any objections were to be filed within thirty days.

5 On December 21, 2011, Plaintiffs filed a non-opposition to the Magistrate Judge's  
6 Findings and Recommendations and requested that the Court issue judgment in favor of  
7 Defendant Wachovia against Plaintiffs. (Doc. 151). Defendant Wachovia also filed objections  
8 noting that it had no opposition to the remand but also requested that the Court simultaneously  
9 issue a judgment in favor of Wachovia since Judge Wanger had previously dismissed Wachovia  
10 from this action with prejudice.<sup>1</sup> (Docs. 110, 118, 121 and 152).

11 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a  
12 *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the  
13 Findings and Recommendations are supported by the record and proper analysis. Moreover, the  
14 Court will grant the parties' requests and a judgment will issue in favor of Wachovia.

15  
16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The Findings and Recommendations filed on November 23, 2011 are ADOPTED  
18 IN FULL;  
19 2. Judgment shall be issued against Plaintiffs, Mary, Joe, and Danny Amaral, and in  
20 favor of Defendant Wachovia Mortgage Corporation; and  
21 3. The case shall be REMANDED to the Kings County Superior Court.

22 IT IS SO ORDERED.

23 Dated: January 30, 2012

24   
25 CHIEF UNITED STATES DISTRICT JUDGE  
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<sup>1</sup>Additionally, the Court notes that Defendant Carrington Mortgage Services, LLC was dismissed with prejudice on July 19, 2011. See Doc. No. 139.