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

OLGA LOPEZ)	Case No. 1:10-cv-01332 LJO JLT
Plaintiff,)	
vs.)	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN FULL DENYING MOTION TO PROCEED IN FORMA PAUPERIS AND REMANDING THE MATTER TO THE KERN COUNTY SUPERIOR COURT AND DISMISSING THE MATTER WITH PREJUDICE
HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE, UNITED STATES OF AMERICA, REAL PARTY IN INTEREST,)	
Defendants.)	(Docs. 1, 2, 4, 6)

Olga Lopez is a self-represented litigant who sought to proceed in forma pauperis in an unlawful detainer action that she sought to remove from the Kern County Superior Court. The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 302 and 304.

On July 30, 2010, the Magistrate Judge recommended that the motion to proceed in forma pauperis (“IFP”) be denied because, after screening the notice of removal, the Court concluded that the matter was frivolous or malicious and filed for purposes of delay. (Doc. 4) Moreover, the Magistrate Judge recommended that the matter be remanded to the Kern County Superior Court and it be dismissed with prejudice.

On August 4, 2010, Lopez filed an Amended Notice of Removal. (Doc. 5) On August 5, 2010, the Magistrate Judge filed an Amended Findings and Recommendations. (Doc. 6) Once again,

1 the Magistrate Judge recommended that the motion to proceed in forma pauperis (“IFP”) be denied
2 because, after screening the amended notice of removal, the Court concluded that the matter was
3 frivolous or malicious and filed for purposes of delay. (Doc. 6) Moreover, the Magistrate Judge
4 recommended that the matter be remanded to the Kern County Superior Court and it be dismissed
5 with prejudice. (Doc. 6)

6 In particular, the Magistrate Judge found that there was insufficient evidence of federal court
7 jurisdiction because that the amount in controversy did not exceed \$75,000 and there was no
8 evidence that the parties’ citizenship was diverse. (Doc. 6) Moreover, the notice of removal was not
9 timely, there was no evidence that the co-defendant agreed with the removal and judgment had been
10 issued already by the Kern County Superior Court. Id.

11 Although Lopez was granted 14 days from August 5, 2010, or until August 20, 2010, to file
12 objections to the Amended Findings and Recommendations, she did not.

13 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley
14 United School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court has conducted a *de novo* review of
15 the case. Having carefully reviewed the entire file, the Court finds that the findings and
16 recommendation are supported by the record and by proper analysis.

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. The amended findings and recommendations filed August 5, 2010, are ADOPTED IN
19 FULL; and

20 2. The matter is remanded to the Kern County Superior Court and the matter is dismissed
21 with prejudice; and

22 3. The Clerk of Court IS DIRECTED to close this action because this order terminates the
23 action in its entirety.

24 IT IS SO ORDERED.

25 **Dated: August 23, 2010**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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