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

JASON HUNTING, et. al,	)	Case No.: 1:10-cv-01844 OWW JLT
	)	
Plaintiffs,	)	ORDER ADOPTING FINDINGS AND
	)	RECOMMENDATIONS DENYING THE
v.	)	MOTION TO REMAND THE MATTER TO
	)	THE KERN COUNTY SUPERIOR COURT
XIUM CORP, et. al,	)	
	)	(Docs. 7, 12, 14)
Defendants.	)	
_____	)	

Before the Court is Plaintiffs’ Motion to Remand the matter to the Kern County Superior Court. (Doc. 7) Plaintiffs argue that the notice of removal was not timely because the notice of removal was filed more than 30 days after service of the complaint. Defendants argue that the notice of removal was timely because no facts about Plaintiffs’ citizenship were contained within the complaint. (Doc. 11)

On December 3, 2010, the Magistrate Judge filed a Findings and Recommendations recommending that the motion be denied because, though the notice of removal was premature at the time it was filed, through the papers filed subsequently, the prematurity was cured through amendment. (Doc. 14)

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

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 3, 2010, are ADOPTED IN FULL; and
2. The motion to remand the matter to the Kern County Superior Court is DENIED.

IT IS SO ORDERED.

Dated: December 21, 2010

/s/ OLIVER W.WANGER  
United States District Judge