

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA

3  
4 PAUL HAMILTON,

1:10-cv-1925-LJO-MJS (PC)

5 Plaintiff,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION DENYING  
PLAINTIFF’S MOTION TO REMAND

6 v.

7 J.A. YATES, et al.,

(ECF No. 11)

8 Defendants.  
9

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11 Plaintiff Paul Hamilton (“Plaintiff”) is a state prisoner proceeding pro se in a civil rights  
12 action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge  
13 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

14 On January 17, 2012, the Magistrate Judge filed a Findings and Recommendation  
15 recommending that Plaintiff’s motion to remand be denied. (ECF No. 11.) Plaintiff has filed  
16 objections to the Findings and Recommendation. (ECF No. 12.) Plaintiff is correct in his  
17 statement that the California Fifth District Court of Appeal did not dismiss this action. (Id.)  
18 However, the California Fifth District Court of Appeal also found that Plaintiff’s statements were  
19 ambiguous, and it appeared he was asserting a claim under 42 U.S.C. § 1983. (ECF No. 1-6 at 15.)  
20 This finding provided grounds for removal of Plaintiff’s action to this Court.

21 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 305, this  
22 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
23 Court finds the Findings and Recommendations to be supported by the record and by proper  
24 analysis.

25 Accordingly, IT IS HEREBY ORDERED that:

- 26 1. The Findings and Recommendation, filed January 17, 2012, are adopted in full; and  
27 2. Plaintiff’s Motion to Remand (ECF No. 6) is DENIED.

28 IT IS SO ORDERED.

**Dated: March 21, 2012**

**/s/ Lawrence J. O’Neill**

UNITED STATES DISTRICT JUDGE

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