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

RUBEN MONCADA, et al.,	)	1:11-CV-1352 AWI JLT
)	
Plaintiffs,	)	ORDER ON MAGISTRATE
	)	JUDGE’S FINDINGS AND
v.	)	RECOMMENDATION,
	)	ORDER ON MOTION TO
PETROLEUM GE-SERVICES, a	)	REMAND AND ORDER
Norwegian company, et al.,	)	REMANDING MATTER, and
	)	ORDER ON MOTION TO
Defendant.	)	DISMISS
)	
	)	(Doc. Nos. 5, 18, 33)

This class action was removed by Defendants pursuant to 28 U.S.C. § 1332(d) on August 12, 2011. On August 18, 2011, Defendants filed a motion to dismiss. See Court’s Docket Doc. No. 5. On September 16, 2011, Plaintiffs filed a motion to remand. See id. at Doc. No. 18. On September 30, 2011, by minute order, the motion to remand was reset before Magistrate Judge Thurston. See id. at Doc. No. 21.

On October 25, 2011, the Magistrate Judge filed a Findings and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 304. The Findings and Recommendation recommend granting Plaintiffs’ motion to remand due to Defendants’ failure to adequately establish the \$5 million amount in controversy requirement of 28 U.S.C. § 1332(d)(2). See Court’s Docket Doc. No. 33. That is, the Magistrate Judge concluded that there was no jurisdiction over this matter. See id. Objections to the Magistrate Judge’s Findings and Recommendation were due on November 8, 2011. However, no party has filed objections.

1 The Court has conducted a review of the case in accordance with the provisions of 28
2 U.S.C. § 636. Having carefully reviewed the entire file, the Court concludes that the Magistrate
3 Judge's Findings and Recommendation is supported by the record and proper analysis.
4 Defendants have not adequately met the requirements of 28 U.S.C. § 1332(d), and thus, have
5 failed to establish this Court's jurisdiction. In such a circumstance, the Court is obligated to
6 remand this matter to the state court. See 28 U.S.C. § 1447(c).

7
8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The Findings and Recommendation issued October 25, 2011 (Doc. No. 33) is
10 ADOPTED IN FULL;
- 11 2. Plaintiffs' motion to remand (Doc. No. 18) is GRANTED;
- 12 3. This matter is REMANDED forthwith to the Kern County Superior Court, in
13 accordance with 28 U.S.C. § 1447(c);
- 14 4. Defendants' motion to dismiss (Doc. No. 5) is DENIED as moot; and
- 15 5. Upon remanding this matter, the Clerk shall CLOSE this case.

16 IT IS SO ORDERED.

17 Dated: November 16, 2011

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19 _____
20 CHIEF UNITED STATES DISTRICT JUDGE