

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

MICHELE PETERSEN,	)	1:12-cv-00933-AWI-BAM
	)	
Plaintiff,	)	ORDER ADOPTING FINDINGS
	)	AND RECOMMENDATIONS
v.	)	AND REMANDING ACTION
	)	
COUNTY OF STANISLAUS; CHRISTINE	)	(Docs. 30, 37)
APPLEGATE; KIM VIEIRA; BERGEN	)	
FILGAS; GEORGE MEDINE; DOE 1;	)	
DOE 2; DOE 3; DOE 4; DOES 5	)	
through 25, inclusive,	)	
	)	
Defendants.	)	

The Court refers the parties to previous orders for a complete chronology of the proceedings. On May 3, 2012, plaintiff Michele Petersen (“Plaintiff”) filed her complaint in Stanislaus County Superior Court against defendants County of Stanislaus, Christine Applegate, Kym Vieira (erroneously sued as Kim Vieira), Bergen Filgas, George Medine (collectively, “Defendants”), Doe 1, Doe 2, Doe 3, Doe 4 and Does 5 through 25, asserting nine causes of action for employment discrimination, retaliation, harassment, deprivation of civil rights, intentional infliction of emotional distress, breach of contract, breach of the implied covenant of good faith and fair dealing, negligent supervision and defamation. On June 8, 2012, Defendants removed the action to this Court pursuant to 28 U.S.C. §§ 1331 and 1441(b). On February 15, 2013, Plaintiff filed her first amended complaint against Defendants and, on March 6, 2013, a motion (doc. 30) to remand the action to state court.

1 On April 1, 2013, the Magistrate Judge issued findings and recommendations (doc. 37)  
2 recommending Plaintiff's motion to remand be granted and this action remanded to state court.  
3 Objections to the findings and recommendations were to be filed within 15 days of service of the  
4 recommendation. As of 8:30 a.m. on April 17, 2013, no objections had been filed by either party.

5 As to a magistrate judge's findings and recommendations, the Court "shall make a de novo  
6 determination of those portions of the report or specified proposed findings or recommendations to  
7 which objection is made" and "may accept, reject, or modify, in whole or in part, the findings or  
8 recommendations[.]" 28 U.S.C. § 636(b)(1). The Court "may also receive further evidence or  
9 recommit the matter to the magistrate judge with instructions." *Id.* The Court has conducted a de  
10 novo of the case in accordance with the provisions of 28 U.S.C. § 636(b)(1) and Eastern District  
11 Local Rule 305. Having reviewed the pleadings of record and all competent and admissible evidence  
12 submitted, the Court finds the Magistrate Judge's recommendation Plaintiff's motion to remand be  
13 granted and this action remanded to Stanislaus County Superior Court to be supported by the record  
14 and proper analysis. Accordingly, the Court hereby ADOPTS the findings and recommendations  
15 issued April 1, 2013 (doc. 37) in full, GRANTS Plaintiff's March 6, 2013 motion to remand (doc.  
16 30) and REMANDS this action to Stanislaus County Superior Court. The Court respectfully directs  
17 the Clerk of Court to terminate Defendants' pending motion to dismiss (doc. 27) and close the case.

18  
19 IT IS SO ORDERED.

20 Dated: April 17, 2013



21 \_\_\_\_\_  
22 SENIOR DISTRICT JUDGE  
23  
24  
25  
26  
27