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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT OF
HEALTH CARE SERVICES,

Petitioner,

v.

DIRECTOR, CALIFORNIA OFFICE OF
ADMINISTRATIVE HEARINGS, et al.,

Respondents.

Case No. 1:13-cv-01858-LJO-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

ECF NO. 13, 19, 29

On December 13, 2013, Petitioner California Department of Health Care Services (“DHCS”) filed a motion to remand. (ECF No. 13.) On February 20, 2014, the magistrate judge assigned to this action issued a Findings and Recommendations recommending that the motion to remand be granted. (ECF No. 29.) The Findings and Recommendations contained notice that any objections were to be filed within thirty (30) days. On March 5, 2014, real parties in interest L.M. (by and through her guardian ad litem Jordan M.), Jordan M. and David K. filed objections to the findings and recommendations. (ECF No. 30.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds that the Findings and Recommendations are supported by the record and by proper analysis. As discussed in the Findings and Recommendations, real parties in interest demonstrate that federal

1 issues may arise in this action. However, in order for jurisdiction to lie, a disputed question of
2 federal law must be a necessary element of the claim. Such dispute is not present.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. The February 20, 2014 Findings and Recommendations are ADOPTED IN
5 FULL;
- 6 2. DHCS's motion to remand is GRANTED (ECF No. 13);
- 7 3. This action is REMANDED to Tuolumne County Superior Court and the clerk is
8 DIRECTED to take necessary steps to remand this action to Tuolumne County
9 Superior Court;
- 10 4. The January 30, 2014 motion for preliminary injunction is DENIED as moot
11 (ECF No. 19) and all pending matters and dates are VACATED; and
- 12 5. The Clerk of the Court is directed to CLOSE this action.

13
14 IT IS SO ORDERED.

15 Dated: March 10, 2014

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