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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 **HUMBERTO YEVERINO,**

11 **Plaintiff**

12 **v.**

13 **ESTEBAN MUNOZ,**

14 **Defendant**

CASE NO. 1:14-cv-01167-AWI-GSA

**ORDER VACATING AUGUST 4, 2014
ORDER and ORDER REMANDING
CASE TO THE FRESNO COUNTY
SUPERIOR COURT**

(Doc. Nos. 8, 17)

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17 Defendant Esteban Munoz, who is proceeding pro se, removed this case from the Superior
18 Court of Fresno County on July 28, 2014. See Court's Docket Doc. No. 1. The state court case is
19 an unlawful detainer action filed by Plaintiff against Defendant. Defendant asserts that the basis
20 for removal is the presence of a federal question under 28 U.S.C. § 1443, based on the conduct of
21 state court judges.

22 On August 4, 2014, the Magistrate Judge sua sponte remanded the matter for lack of
23 subject matter jurisdiction. See Doc. No. 8. The Defendant appealed, and on January 12, 2015,
24 the Ninth Circuit remanded the matter with instructions to vacate the Magistrate Judge's order.
25 See Doc. No. 17. The Ninth Circuit indicated that a district judge could view the Magistrate
26 Judge's order as a report and recommendation. See id. On January 15, 2015, the matter was
27 assigned to the undersigned. The Court will follow the Ninth Circuit's instructions.
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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Magistrate Judge's August 4, 2014 order (Doc. No. 8) is VACATED and
3 CONVERTED into a report and recommendation under 28 U.S.C. § 636;
4 2. The parties may file objections to the report and recommendation (Doc. No. 8) on or by
5 January 30, 2015;¹ and
6 3. The parties may file any replies to objections on or before February 6, 2015.

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8 IT IS SO ORDERED.

9 Dated: January 16, 2015



10 SENIOR DISTRICT JUDGE

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¹ The Court reminds the parties that there is no mailbox rule for non-prisoners in the Eastern District of California. The objections must be in the Clerk's actual possession on or by January 30, 2014.