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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CITI MORTGAGE, INC.,

Case No. 1:14-cv-01878-AWI-SKO

Plaintiff,

v.

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION THAT THIS
ACTION BE REMANDED FOR LACK OF
SUBJECT MATTER JURISDICTION**

EVANGELINA LUERA,

(Docs. 6, 7)

Defendant.

On December 3, 2014, the Magistrate Judge issued Findings and Recommendations that this action be remanded for lack of subject matter jurisdiction. These Findings and Recommendations were served on all parties appearing in the action and contained notice that any objections were to be filed within twenty-one (21) days after service of the order. No objections were filed.

On December 23, 2014, Plaintiff filed a motion to remand contending that Defendant's removal was procedurally improper because Defendant had materially participated in the state action by filing a demurrer and an answer, and removed the action from state court days before the trial. Moreover, Plaintiff asserts that the Court lacks jurisdiction over this action because the complaint contains no federal question, but rather alleges a state law claim for unlawful detainer.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a
2 de novo review of the case. Having carefully reviewed the entire file, the Court concludes that the
3 Magistrate Judge's Findings and Recommendations are supported by the record and proper
4 analysis, and Plaintiff's motion to remand is moot.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations issued December 3, 2014, are ADOPTED IN
7 FULL;
- 8 2. Plaintiff's motion to remand is denied as moot, and the hearing set for February 2,
9 2015, is VACATED;
- 10 3. This action is REMANDED to the Fresno County Superior Court;¹
- 11 4. The Clerk of Court is DIRECTED to serve a copy of this order on the Fresno
12 County Superior Court.
- 13 5. This case shall be closed.

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15 IT IS SO ORDERED.

16 Dated: January 7, 2015



17 SENIOR DISTRICT JUDGE

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¹ This case was filed in Fresno County Superior Court on August 21, 2014, and assigned case no. 14CECL06948.