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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WASATCH POOL HOLDINGS, INC.,

Plaintiff,

v.

MARIO BAILEY,

Defendant.

Case No. 1:15-cv-00776-TLN-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

ECF NO. 5, 7

On May 27, 2015, the magistrate judge assigned to this action issued a Findings and Recommendations recommending that this action be remanded to state court. (ECF No. 7.) The Findings and Recommendations contained notice that any objections were to be filed within twenty-one (21) days. To date, no party has filed objections to the Findings and Recommendations.

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.

Furthermore, on May 26, 2015, Plaintiff Wasatch Pool Holdings, Inc. filed a Motion for Remand requesting \$1,350.00 in attorney’s fees pursuant to 28 U.S.C. § 1447(c), which grants the Court discretion to award costs and expenses, including attorney’s fees, incurred as a result of improvident removal. Defendant Mario Bailey (“Defendant”) has not filed an opposition to

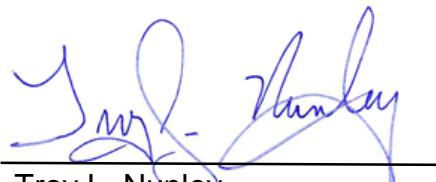
1 the request and any opposition was due on June 17, 2015 pursuant to Local Rule 230(c). The
2 Court finds that an award of attorney's fees is appropriate in this case and the requested fee is
3 reasonable. See Balcorta v. Twentieth Century-Fox Film Corp., 208 F.3d 1102, 1106 n.6 (9th
4 Cir. 2000) (attorney's fees under 28 U.S.C. § 1447(c) appropriate where removal was wrong as a
5 matter of law). In this action, Defendant's basis for removal was frivolous.

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. The May 27, 2015 Findings and Recommendations are ADOPTED IN FULL;
- 8 2. This action is REMANDED to state court;
- 9 3. Plaintiff is awarded \$1,350.00 in attorney's fees pursuant to 28 U.S.C. § 1447(c);
- 10 4. The Clerk of the Court is directed to CLOSE this action; and
- 11 5. All other pending dates and matters are vacated as moot.

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13 IT IS SO ORDERED.

14 Dated: July 14, 2015

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18 Troy L. Nunley
19 United States District Judge
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