

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

**THE BANK OF NEW YORK MELLON, AS  
TRUSTEE FOR THE CERTIFICATE  
HOLDERS OF THE CWABS, INC., ASSET-  
BACKED CERTIFICATES, SERIES 2007-11,**

**Plaintiff,**

v.

**ARTURO VEGA,**

## Defendant.

1:15-CV-896-LJO-JLT

**SUA SPONTE ORDER REMANDING  
ACTION TO KERN COUNTY  
SUPERIOR COURT AND  
TERMINATING DEFENDANT'S  
MOTION TO PROCEED IN FORMA  
PAUPERIS AS MOOT**

**Defendant.** On June 17, 2015, the Magistrate Judge issued Findings and Recommendations (“the F&Rs”) that this action be remanded to the Superior Court of California for the County of Kern for lack of federal subject matter jurisdiction. Doc. 4. In addition, the Magistrate Judge recommended that Defendant’s motion to proceed in forma pauperis be terminated as moot. *Id.* at 5.

The F&Rs were served on all parties appearing in this action and included notice that any objections to the F&Rs were to be filed within fourteen court days of the date of service of the order. *Id.* Fourteen days have not passed since the Magistrate Judge issued the F&Rs; however, the Court fully agrees with and adopts the reasoning and conclusion of the F&Rs that this Court lacks jurisdiction over the action, and waiting the extra time will do nothing to the absence of jurisdiction.

Accordingly, for the reasons more thoroughly outlined in the F&Rs, the Court *sua sponte* REMANDS this case to the Superior Court of California for the County of Kern. Defendant's motion to proceed in forma pauperis is DENIED AS MOOT. The Clerk of Court is directed to CLOSE this case.

**IT IS SO ORDERED.**

Dated: **June 25, 2015**

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

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