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2 **UNITED STATES DISTRICT COURT**
3 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
4

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

9 **Plaintiff,**

10 **v.**

11 **ARTURO VEGA,**

12 **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**

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

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

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

Dated: **June 25, 2015**

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

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