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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7 DAVID ALLEN,

8 Plaintiff,

9 v.

10 DEPARTMENT OF STATE HOSPITALS
11 (DSH) - COALINGA, et al.,

12 Defendants.
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1:16-cv-01329-AWI-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 5, 12)

14 This is a civil action filed by David Allen (“Plaintiff”), a pretrial detainee proceeding
15 *pro se*. This action was initiated when Plaintiff filed his complaint in the Fresno County
16 Superior Court on February 16, 2016 (Case Number 16CECL01328). (ECF No. 2, p. 6).
17 Plaintiff filed an amended complaint on June 20, 2016. (*Id.* at p. 58). On September 6, 2016,
18 defendants State of California, Audrey King, Department of State Hospitals, and Department of
19 State Hospitals-Coalinga State Hospital removed the case to federal court by filing a Notice of
20 Removal of Action under 28 U.S.C. § 1441. (*Id.* at p. 1).

21 On September 29, 2016, Plaintiff filed a motion to remand the case to state court. (ECF
22 No. 5). On October 14, 2016, defendants Audrey King, Department of State Hospitals, and the
23 State of California (“Defendants”) filed an opposition to the motion. (ECF No. 7). On
24 November 10, 2016, Plaintiff filed a reply. (ECF No. 8).

25 On December 29, 2016, Magistrate Judge Erica P. Grosjean entered a Findings and
26 Recommendation (“F&R”) that recommended granting the motion to remand. (ECF No. 12).
27 The parties were provided an opportunity to file objections to the F&R within thirty days. (*Id.*).
28 No objections were filed.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,
3 the court finds the findings and recommendations to be supported by the record and proper
4 analysis.

5 ORDER

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations issued by the Magistrate Judge on December 29,
8 2016 (Doc. No.12), is ADOPTED in full;
9 2. Plaintiff's motion to remand (Doc. No. 5) is GRANTED; and
10 3. This action is REMANDED forthwith to the Fresno County Superior Court.

11 IT IS SO ORDERED.

12 Dated: February 14, 2017

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15 SENIOR DISTRICT JUDGE
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