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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE PHILIP DRAKE, trustee of the  
GEORGE PHILIP DRAKE REVOCABLE  
TRUST,

Plaintiff,

v.

RONALD W. GRIFFITH and DEBORA  
C. GRIFFITH,

Defendants.

No. 1:16-cv-01437-DAD-JLT

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REMANDING THE  
MATTER TO KERN COUNTY SUPERIOR  
COURT FOR LACK OF JURISDICTION,  
AND DENYING DEFENDANTS' MOTIONS  
TO PROCEED IN FORMA PAPERIS AS  
MOOT

(Doc. No. 7)

Ronald and Debora Griffith seek removal of an unlawful detainer action filed in the Kern County Superior Court, Case No. MCL-16-000378. (*See* Doc. No. 1.) Because an action for unlawful detainer arises under state law and defenses raised in the answer do not invoke federal jurisdiction, the assigned magistrate judge determined that this court lacks subject matter jurisdiction over this action. (Doc. No. 7.) Accordingly, the magistrate judge recommended the matter be remanded to Kern County Superior Court, and the pending motions to proceed in forma pauperis be denied as moot. (*Id.* at 4.)

The parties were given fourteen days to file any objections to the magistrate judge's findings and recommendations. (*Id.*) To date, no objections have been filed to those findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley*  
2 *United School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), this court conducted a de novo review of  
3 the case. Having carefully reviewed the file, the court finds the findings and recommendations  
4 are supported by the record and proper analysis. Accordingly,

- 5 1. The September 28, 2016 findings and recommendations (Doc. No. 7) are adopted in  
6 full;
- 7 2. This action is remanded forthwith to the Kern County Superior Court for lack of  
8 subject matter jurisdiction;
- 9 3. Defendants' motions to proceed in forma pauperis (Doc. Nos. 4, 5) are denied as  
10 moot; and
- 11 4. The Clerk of the Court is directed to close this action.

12 IT IS SO ORDERED.

13 Dated: October 26, 2016

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16 UNITED STATES DISTRICT JUDGE  
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