

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARY LEE GAINES.

Plaintiff.

1

J. LEWIS, et al.,

Defendants.

No. 1:17-cv-01134-DAD-GSA-PC

(Madera County Superior Court case
#MCV074759)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, REMANDING
CASE TO MADERA COUNTY SUPERIOR
COURT, DIRECTING THE CLERK TO
CLOSE CASE, AND SERVE NOTICE OF
REMAND

(Doc. No. 9.)

This is a civil action filed by plaintiff Mary Lee Gaines (“plaintiff”), a state prisoner proceeding pro se and in forma pauperis. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

This action was initiated by a civil complaint filed by plaintiff in the Madera County Superior Court. (Doc. No. 1 at 1.) On August 21, 2017, plaintiff removed the case to federal court. (Doc. No. 1 at 43.) On September 5, 2017, findings and recommendations were entered by the assigned magistrate judge, recommending that this case be remanded to Madera County Superior Court, because the right of removal to federal court belongs to defendants and not plaintiffs. (Doc. No. 9.) The parties were granted fourteen days in which to file objections to those findings and recommendations. (*Id.*) The fourteen-day time period has passed, and no

1 objections have been filed.

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

5 For these reasons,

6 1. The findings and recommendations issued on September 5, 2017 (Doc. No. 9), are
7 adopted in full;

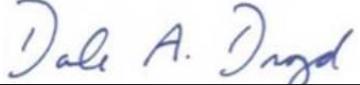
8 2. This action is remanded to Madera County Superior Court;

9 3. All pending motions (*see* Doc. No. 7) are denied as having been rendered moot by
10 this order; and

11 4. The Clerk of Court is directed to close this case and serve notice of the remand.

12 IT IS SO ORDERED.

13 Dated: November 27, 2017



UNITED STATES DISTRICT JUDGE