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

ADONAI EL-SHADDAI,

Plaintiff,

No. CIV S-07-1247 FCD EFB P

vs.

D.L. RUNNELS, Warden, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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Plaintiff, a prisoner without counsel, has filed a document styled as a “notice of removal of action under 28 U.S.C. 1441(b).” United States Code § 1441(a) provides that “any civil action brought in a State court of which the United States have original jurisdiction, may be removed *by the defendant or defendants*, to the district court of the United States for the district and division embracing the place where such action is pending” (emphasis added). This matter was improvidently removed by plaintiff, and as such the court recommends that it be remanded to the state court in which it was initiated.

Accordingly, IT IS HEREBY RECOMMENDED that:

1. This case be remanded to the Lassen County Superior Court; and

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1 2. The Clerk of the Court close this case.

2 These findings and recommendations are submitted to the United States District Judge  
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days  
4 after being served with these findings and recommendations, any party may file written  
5 objections with the court and serve a copy on all parties. Such a document should be captioned  
6 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
7 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
8 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

9 DATED: July 9, 2007.

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11 EDMUND F. BRENNAN  
12 UNITED STATES MAGISTRATE JUDGE  
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