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

IDOWU O. OGHOGHO,

Plaintiff,

No. CIV S-08-0227 LKK EFB PS

vs.

TEICHERT CONSTRUCTION
COMPANY, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /
This case, in which plaintiff is proceeding *in propria persona*, was referred to the undersigned under Local Rule 72-302(c)(21), pursuant to 28 U.S.C. § 636(b)(1). On January 30, 2008, plaintiff filed a document styled as a “Notice of Removal of Civil Action to Federal Court,” pursuant to 28 U.S.C. § 1441. Section 1441(a) provides that “any civil action brought in a State court of which the district courts of 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.

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1 Accordingly, IT IS HEREBY RECOMMENDED that:

- 2 1. This case be remanded to the Superior Court of the State of California in and for the
3 County of Sacramento; and,
4 2. The Clerk be directed to close this case.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten (10) days
7 after being served with these findings and recommendations, plaintiff may file written objections
8 with the court. Such a document should be captioned "Objections to Magistrate Judge's
9 Findings and Recommendations." Failure to file objections within the specified time may waive
10 the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir.
11 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 DATED: January 31, 2008.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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