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

LELAND ANTHONY NEYER et al.,

No. CIV S-09-1671-GEB-CMK

Plaintiff,

vs.

ORDER

GMAC HOMECOMINGS
FINANCIAL BANK, et al.,

Defendants.

_____ /

Plaintiffs bring this civil action alleging banking fraud in the context of their home mortgage. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On November 19, 2009, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. Timely objections to the findings and recommendations have been filed.

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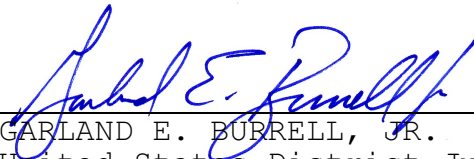
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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304(f), this court has conducted a de novo review of this case. Having carefully reviewed the
3 entire file, the court finds the findings and recommendations to be supported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

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed November 19, 2009, are adopted
7 in full;
- 8 2. Defendants' motion to dismiss (Doc. 10) is granted;
- 9 3. Any claims based on violation of federal criminal statutes are dismissed
10 with prejudice; and
- 11 4. Plaintiffs' complaint is dismissed with leave to amend within 30 days of
12 the date of this order.

13 Dated: February 22, 2010

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16 GARLAND E. BURRELL, JR.
United States District Judge