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

MARGARET FULLERTON HENDERSON
SPENCER STUART ROMANOV,

Plaintiff,

No. CIV S-09-2193 FCD EFB PS

vs.

WORLD BANK and IMF, et al.,

Defendants.

MARGARET FULLERTON HENDERSON
SPENCER STUART ROMANOV,

Plaintiff,

No. CIV S-09-2196 GEB EFB PS

vs.

THE GETTY AND TRUST, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

The above-captioned cases, in which plaintiff is proceeding *in propria persona*, were referred to the undersigned under Local Rule 72-302(c)(21), pursuant to 28 U.S.C. § 636(b)(1). On August 10, 2009, plaintiff filed documents in each case styled “Notice to Adverse Parties of Filing of Notice of Removal.” Jurisdiction, plaintiff asserts, is premised on 28 U.S.C. §§ 1441 and 1446.

1 Section 1441(a) of Title 28 provides that “any civil action brought in a State court of
2 which the district courts of the United States have original jurisdiction, may be removed *by the*
3 *defendant or defendants*, to the district court of the United States for the district and division
4 embracing the place where such action is pending” (emphasis added). Additionally, Section
5 1446 of Title 28 provides that “[a] *defendant or defendants* desiring to remove any civil action or
6 criminal prosecution from a State court shall file in the district court of the United States for the
7 district and division within which such action is pending a notice of removal” (emphasis added).
8 These matters were improvidently removed by plaintiff, and as such, the court recommends that
9 they be remanded to the state court in which they were initiated.

10 Accordingly, IT IS HEREBY RECOMMENDED that:

- 11 1. The above-captioned cases be remanded to the Superior Court of the State of
12 California in and for the County of Sacramento; and,
- 13 2. The Clerk be directed to close these cases.

14 These findings and recommendations are submitted to the United States District Judge
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten (10) days
16 after being served with these findings and recommendations, plaintiff may file written objections
17 with the court. Such a document should be captioned “Objections to Magistrate Judge’s
18 Findings and Recommendations.” Failure to file objections within the specified time may waive
19 the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir.
20 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

21 DATED: August 18, 2009.

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23 EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE
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