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

ALEKSANDR GANCHENKO,

Plaintiff,

No. CIV S-09-2261 JAM KJM PS

vs.

COUNTRYWIDE FINANCIAL CORP., et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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This action was removed from state court because plaintiff alleged violations of the Fair Debt Collection Practice Act (“FDCPA”), 15 U.S.C. § 1692 et seq.; the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. Sections 2601 et seq. to 2617; and 15 U.S.C. Section 1639(h). Plaintiff has now filed a first amended complaint in which no federal causes of action are alleged. The action should therefore be remanded under 28 U.S.C. § 1367(c).

Accordingly, IT IS HEREBY RECOMMENDED that the above-entitled action be remanded to the Superior Court of California, County of Sacramento.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within ten days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned  
2 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections  
3 shall be served and filed within ten days after service of the objections. The parties are advised  
4 that failure to file objections within the specified time may waive the right to appeal the District  
5 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: November 19, 2009.

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U.S. MAGISTRATE JUDGE

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