

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

CHIEU EDWARDS,

Plaintiff,

No. CIV-S-10-0092-LKK-KJN-PS

vs.

AURORA LOAN SERVICES, LLC;  
and DOES 1-50,

Defendants.

ORDER

On May 2, 2011, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

Accordingly, the court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full.

///

1 Accordingly, IT IS ORDERED that:

2 1. The Proposed Findings and Recommendations (Dkt. No. 45) filed May 2, 2011, are  
3 ADOPTED;

4 2. The motion to dismiss (Dkt. No. 30) plaintiff's First Amended Complaint (Dkt. No.  
5 29) pursuant to Federal Rule of Civil Procedure 12(b)(6) is granted;

6 3. All claims alleged in plaintiff's First Amended Complaint (Dkt. No. 29) as against  
7 defendant Aurora Loan Services, LLC ("Aurora") are dismissed with prejudice;


8 4. Defendant's requests for judicial notice (Dkt. Nos. 30-2, 32-3) is granted;

9 5. Defendant's motion to expunge the lis pendens (Dkt. No. 32-1) is granted, and the  
10 notice of pendency of action recorded by plaintiff on October 30, 2009, in the official records of  
11 the County of San Joaquin Recorder's Office as Instrument Number 2009-158423 is expunged;

12 6. Defendant's request for attorneys' fees (Dkt. No. 32-1 at 12) pursuant to California  
13 Code of Civil Procedure § 405.38 is denied; and

14 7. Because all claims against defendant Aurora are dismissed, and because Aurora is the  
15 only named defendant in this case, plaintiff's action is dismissed with prejudice and the Clerk of  
16 Court is directed to close this case and vacate all future dates in this case.

17 DATED: July 6, 2011.

18   
19 LAWRENCE K. KARLTON  
20 SENIOR JUDGE  
21 UNITED STATES DISTRICT COURT  
22  
23  
24  
25  
26