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

HEATHER COLLINS,

Plaintiff,

No. CIV S-10-1473 LKK KJM PS

vs.

FANNIE MAE,

Defendant.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 72-302(c)(21).

Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

In this action, plaintiff challenges an unlawful detainer action presently being taken against her in state court. Because the unlawful detainer action was filed in state court prior to the initiation of the instant federal court action and both actions involve precisely the same property, this court is required to abstain from exercising jurisdiction. See Colorado River

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1 Water Conservation District v. United States, 424 U.S. 800, 814-15 (1976); see also Scherbenske
2 v. Wachovia Mortgage, FSB, 626 F.Supp.2d 1052, 1057-58 (E.D. Cal. 2009).

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's request to proceed in
4 forma pauperis is granted; and

5 IT IS HEREBY RECOMMENDED that this action be dismissed.

6 These findings and recommendations are submitted to the United States District
7 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
8 fourteen days after being served with these findings and recommendations, plaintiff may file
9 written objections with the court and serve a copy on all parties. Such a document should be
10 captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is
11 advised that failure to file objections within the specified time may waive the right to appeal the
12 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

13 DATED: July 23, 2010.

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U.S. MAGISTRATE JUDGE