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

U.S. BANK NATIONAL ASSOCIATION  
AS TRUSTEE,

Plaintiff,

CIV-S-10-1623 LKK GGH PS

vs.

JAMIE GARCIA, et al.,

Defendants.

ORDER

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On December 7, 2010, 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.

Although it appears from the docket that defendant’s copy of the findings and recommendations was returned, defendant was properly served. It is the defendant’s responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

Accordingly, the court presumes 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.


1 1983).

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

4 Accordingly, IT IS ORDERED that:

- 5 1. The Findings and Recommendations filed December 7, 2010, are ADOPTED;
- 6 2. The state action is summarily remanded to the Superior Court for the County  
7 of Sacramento;
- 8 3. The Clerk shall serve a certified copy of this order to the Clerk of the  
9 Sacramento County Superior Court, and reference the state case number (09UD10568) in the  
10 proof of service;
- 11 4. Defendant Garcia is enjoined from removing state court case number  
12 09UD10568, filed in Sacramento Superior Court, to any federal court;
- 13 5. Defendant Garcia is ordered to pay sanctions to U.S. Bank in the amount of  
14 \$975.00; and
- 15 6. The Clerk is directed to close this case.

16 DATED: January 19, 2011.

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19 LAWRENCE K. KARLTON  
20 SENIOR JUDGE  
21 UNITED STATES DISTRICT COURT  
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