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

|                                 |   |                          |
|---------------------------------|---|--------------------------|
| MALIK REED,                     | ) |                          |
|                                 | ) | 2:10-cv-02133-GEB-EFB PS |
| Plaintiff,                      | ) |                          |
|                                 | ) |                          |
| v.                              | ) | <u>ORDER</u>             |
|                                 | ) |                          |
| WELLS FARGO HOME MORTGAGE INC.; | ) |                          |
| FIRST AMERICAN LOANSTAR TRUSTEE | ) |                          |
| SERVICES; NEW CENTURY MORTGAGE  | ) |                          |
| CORPORATION; US BANK NATIONAL   | ) |                          |
| ASSOCIATION; and DOES 1-10,     | ) |                          |
|                                 | ) |                          |
| Defendants.                     | ) |                          |
| _____                           | ) |                          |

On December 10, 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. Plaintiff filed objections on December 23, 2010, and they were considered by the undersigned.

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the motions on the applicable law. 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 Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

1           Having carefully reviewed the entire file, the findings and  
2 recommendations filed December 10, 2010, are adopted in full as to the  
3 recommendation that Defendants First American Trustee Servicing  
4 Solutions, LLC, f/k/a First American Loanstar Trustee Services, LLC  
5 ("First American") and Wells Fargo Home Mortgage, Inc. ("Wells Fargo")'s  
6 dismissal motions be granted without leave to amend as to the moving  
7 parties.

8           The remainder of the Magistrate Judge's findings and  
9 recommendations are modified as follows:

10           IT IS HEREBY ORDERED that:

- 11           1. First American and Wells Fargo's motions to dismiss, Dckt.  
12 Nos. 9 and 11, are granted without leave to amend;
- 13           2. Plaintiff's complaint, Dckt. No. 1, is dismissed without leave  
14 to amend as to Defendants First American and Wells Fargo;
- 15           3. Plaintiff's application for a temporary restraining order and  
16 preliminary injunction, Dckt. No. 24, is denied;
- 17           4. Plaintiff's December 23, 2010 amended complaint, Dckt. No. 31,  
18 is stricken;
- 19           5. Defendant First American's January 14, 2011 motion to dismiss,  
20 Dckt. No. 32, is denied as moot;
- 21           6. Plaintiff's February 3, 2011, "Objection and Petition to  
22 Strike" Defendant First American's January 14, 2011 motion to dismiss,  
23 Dckt. No. 36, is denied as moot.

24 Dated: February 7, 2011

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27 \_\_\_\_\_  
28 GARLAND E. BURRELL, JR.  
United States District Judge