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

NIKIFOROS KALFOUNTZOS,

Petitioner,

No. CIV S-10-2733 GEB KJM PS

vs.

SACRAMENTO SUPERIOR COURT, et al.

ORDER

Respondent.

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The matter was referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

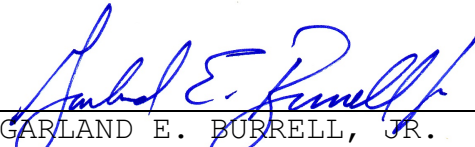
On October 18, 2010, the magistrate judge filed findings and recommendations herein, which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. Objections to the findings and recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis and are adopted to the extent that some aspect of this case is not construed as a removal case. Any aspect of the case that is not a removal from state court is dismissed.

However, Petitioner states in a federal court document filed on October 8, 2010, that this case was removed from state court. Petitioner cannot remove the case to federal court. “The right to remove a state court case to federal court is clearly limited to defendants.” American Intern.

1 Underwriters (Philippines), Inc. v. Continental, 843 F.2d 1253, 1260 (9th Cir. 1988). Since the
2 federal court lacks subject matter jurisdiction over this case, this case is remanded to the Superior
3 Court of California, in the County of Sacramento. 28 U.S.C. § 1447(c) (“If at any time before final
4 judgment it appears that the district court lacks subject matter jurisdiction, the case shall be
5 remanded.”).

6 Dated: November 10, 2010

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GARLAND E. BURRELL, JR.
United States District Judge