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

U. S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR THE LXS 2006-16N  
TRUST FUND,

Plaintiff,

No. CIV-S-10-2736 KJM KJN PS

vs.

MARLENE GONZALES, et al.,

Defendants.

ORDER

\_\_\_\_\_ /  
This is an action removed from state court by defendant, who is proceeding *in pro per*. On March 23, 2011, the magistrate judge filed findings and recommendations, 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.

The court thus 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). Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS ORDERED that:

1. The Proposed Findings and Recommendations filed March 23, 2001, are ADOPTED;
2. Plaintiff's motion to dismiss (ECF No. 13) is DENIED; and
3. Plaintiff's motion to remand (ECF No. 4) is GRANTED and this entire case is REMANDED to the Superior Court of the State of California, County of Sacramento.

DATED: August 2, 2011.

  
UNITED STATES DISTRICT JUDGE