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

RONALD ROSE,

Plaintiff,

CIV. NO. S-10-3250 FCD GGH PS

vs.

AMERICAN HOME MORTGAGE
SERVICING, INC., et al.,

ORDER

On May 25, 2011, 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. Objections were filed on June 7, 2011, a reply was filed on June 24, 2011, and they were considered by the district judge.¹

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,

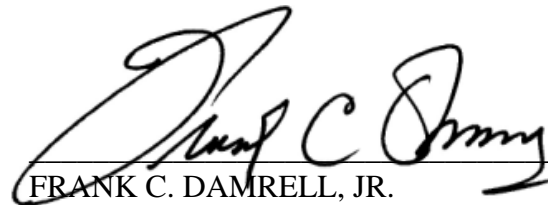
¹ Although American Home Mortgage Servicing, Inc. contends that it was not put on notice that plaintiff's claims under the FDCPA, RESPA and 18 U.S.C. § 2701 "were in fact claims at all," this defendant removed the action to federal court in part on these very grounds. See Notice of Removal, filed December 6, 2010.

1 the court assumes its correctness and decides the motions on the applicable law. See Orand v.
2 United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
3 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
4 1983).

5 The court has reviewed the applicable legal standards and, good cause appearing,
6 concludes that it is appropriate to adopt the May 25, 2011, Findings and Recommendations in
7 full. Accordingly, IT IS ORDERED that:

- 8 1. Defendant AHMSI's motion to dismiss (Dkt. no. 5) is granted;
- 9 2. The state law claims are dismissed;
- 10 3. The TILA claim is dismissed; and
- 11 4. Defendant is directed to file an answer to the remaining federal claims within
12 28 days of the filed date of this order.

13 DATED: July 7, 2011.



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE