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

FIA CARD SERVICES, N.A.,

Plaintiff,

No. CIV S-11-2647 LKK EFB PS

vs.

RENEE L. MARTIN,

Defendant.

ORDER

On October 20, 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. No objections were filed.¹

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

This action, on its face, is a purely state law action for money lent, due and owing, and for unjust enrichment. The lack of federal jurisdiction plainly appears in the complaint and in the notice of removal.


¹ Although it appears from the file that plaintiff's copy of the findings and recommendations was returned, plaintiff was properly served. It is the plaintiff'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.

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Accordingly, IT IS ORDERED that:

1. Pro se defendant's request to proceed in forma pauperis is **GRANTED**;
2. The proposed Findings and Recommendations (Dkt. No. 9) filed October 20, 2011, are ADOPTED; and
3. The above-captioned case is REMANDED to the Superior Court of the State of California in and for the County of Sacramento for lack of federal jurisdiction. See 28 U.S.C. § 1447(c).

DATED: May 8, 2012.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT