

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

JOSEPH M. CESAR,

Plaintiff,

No. 2:12-cv-1614-MCE-EBF PS

VS.

WELLS FARGO BANK, N.A., f/k/a
WACHOVIA MORTGAGE, FSB, f/k/a
WORLD SAVINGS BANK, FSB; and
DOES 1-25, inclusive,

Defendant.

ORDER

On October 23, 2012, 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 November 6, 2012, 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).

1 The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley
2 Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

3 The court has reviewed the applicable legal standards and, good cause appearing,
4 concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.
5 Accordingly, IT IS ORDERED that:

6 1. The proposed Findings and Recommendations filed October 23, 2012, are
7 ADOPTED;

8 2. Plaintiff's motion to remand, Dckt. No. 11, is granted;
9 3. The above-captioned case is REMANDED to the Superior Court of the State
10 of California in and for the County of Sacramento; and
11 4. Wells Fargo's motion to dismiss, Dckt. No. 5, is denied as moot.

13 Dated: January 8, 2013



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15 MORRISON C. ENGLAND, JR., CHIEF JUDGE
16 UNITED STATES DISTRICT JUDGE
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