## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 TODD PERRY, No. 2:13-cv-0935 GEB DAD PS 12 Plaintiff, 13 v. ORDER 14 WELLS FARGO HOME MORTGAGE, et al., 15 Defendants. 16 17 Plaintiff is proceeding pro se in the above-entitled action. The matter was referred to a 18 United States Magistrate Judge pursuant to Local Rule 302(c)(21). 19 On June 24, 2013, the magistrate judge filed findings and recommendations herein, which 20 were served on all parties and which contained notice to all parties that any objections to the 21 findings and recommendations were to be filed within fourteen days after service of the findings 22 and recommendations. The fourteen-day period has expired, and no party has filed objections to 23 the findings and recommendations. 24 The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis, except for his citation to 25 26 California ex rel. Bates v. Mortgage Electronic Registration Systems, Inc., No. 2:10-cv-1429 27 GEB CMK, 2010 WL 2889061 (E.D. Cal. July 21, 2010), for its holding about the citizenship of 28 Wells Fargo, because that opinion is withdrawn and superseded by Gosal v. Wells Fargo Bank,

1	N.A., No. 2:12-cv-2024 GEB CKD, 2012 WL 4961696, at *2 (E.D. Cal. Oct. 15, 2012), in which
2	I determined that the interpretation in American Surety Co. v. Bank of California, 133 F.2d 160,
3	162 (9th Cir.1943), of "the predecessor statute to 28 U.S.C. § 1348," should be followed; and
4	therefore, "a national bank is [also] located in the State where it maintains its 'principal place of
5	business.""
6	Accordingly, IT IS HEREBY ORDERED that:
7	1. The findings and recommendations filed June 24, 2013 (Doc No. 18) are
8	adopted with the stated modification;
9	2. Defendant's May 16, 2013 motion to dismiss (Doc. No. 5) is denied as moot;
10	and
11	3. This action is remanded to the Placer County Superior Court.
12	Date: <u>7/18/2013</u>
13	105-D m1
14	GARLAND E. BURRELL, JR.
15	Senior United States District Judge
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