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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES KEPPLER,
Plaintiff,
v.
STRUCTURED ASSET MORTGAGE
INVESTMENTS II TRUST 2007-AR4,
et al.,
Defendants.

No. 2: 13-cv-1731 KJM CKD PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. This action was transferred from the United States District Court, Southern District of New York, because the property which is the subject of the action is located in the Eastern District of California and because plaintiff resides in this District.

Plaintiff alleges diversity jurisdiction as the basis for subject matter jurisdiction. Diversity jurisdiction is lacking in that the citizenship of the parties is not diverse because both plaintiff and defendant Wells Fargo are citizens of California. See Taheny v. Wells Fargo Bank, N.A., 878 F.Supp. 2d 1093 (E.D. Cal. 2012) (Wells Fargo is citizen of California). No other basis of subject matter jurisdiction is evident in the complaint.¹

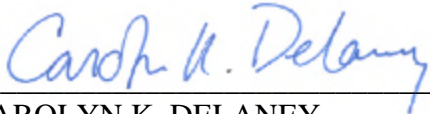
¹ Plaintiff also alleged federal question jurisdiction but no federal claim is raised in the complaint.

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Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for lack of subject matter jurisdiction.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: August 27, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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