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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 5, 2014, are adopted in full;

2. This action is remanded to the San Joaquin County Superior Court in Case No. 39-2013-00303361-CL-UD-MAN for lack of subject matter jurisdiction.

DATED: April 15, 2014

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE