UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL CLARK,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al.,

Defendants.

No. 2:14-cv-2066-KJM-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in this civil action. On September 5, 2014, defendants CDCR, Alkire, Altamirano, Arnold, Atkinson, Beard, Cate, Davis, Dickinson, Harman, Hickman, Hubbard, Kavelage, Reyes, Romero, Stubbs, Tilton, Winistorfer, and Woodford removed this action from the Sacramento County Superior Court. Plaintiff subsequently filed a motion for remand, arguing that removal was improper because the complaint does not assert any federal claims for relief. ECF No. 9. In response, defendants filed a statement of non-opposition. ECF No. 11. Because plaintiff is not asserting any federal claims, his motion should be granted.

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Accordingly, it is RECOMMENDED that this action be remanded to the Superior Court of the State of California in and for the County of Sacramento, and that the Clerk be directed to close this case and terminate all pending motions.

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)(l). 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. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

Dated: April 2, 2015.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE