(PC) Martin v. Beck Doc. 28

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LANELL MARTIN, Plaintiff, v. PHILLIP H. BECK, Defendant.	No. 2: 14-cv-2956 KJM KJN P ORDER

On February 24, 2015, plaintiff filed a request for reconsideration of the magistrate judge's order filed February 5, 2015, denying plaintiff's request for removal. Under E.D. Local Rule 303(f), a magistrate judge's orders shall be upheld unless "clearly erroneous or contrary to law." *Id.* Upon review of the entire file, the court finds the magistrate judge's ruling is not clearly erroneous or contrary to law.[1]

Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of the magistrate judge filed February 5, 2015, is affirmed.

DATED: April 28, 2015.

UNITED STATES DISTRICT JUDGE

[1] The magistrate judge's order correctly finds that only defendants are authorized to remove actions to federal court. *See* Order filed February 5, 2015, at 5. The court notes that removal of a state court action to federal court is accomplished by filing a notice of removal. *See* 28 U.S.C. § 1446(a).

Dockets.Justia.com