UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RABINDRA PRASAD dba PRASAD CHIROPRACTOR, Plaintiff, v. PRAKASH NARAYAN, PAYAL NARAYAN, et al., Defendants.	No. 2:15-cv-2712 KJM AC (PS) ORDER

Plaintiff is proceeding in this action in pro per. The matter was referred to the United States Magistrate Judge by E.D. Cal. R. 302(c)(21).

On January 5, 2016, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 4. Defendants have filed objections to the findings and recommendations. ECF No. 5.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the court adopts the magistrate court's findings and recommendation that this case be remanded. The court however, writes separately to DENY as MOOT defendants' applications to proceed in forma pauperis, having already affirmed this case should be remanded to state court.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 5, 2016 (ECF No. 4), are adopted in to the extent consistent with this order; and

2. This action is remanded in light of 28 U.S.C. § 1447(c), to the California Superior Court, Sacramento County, for lack of federal jurisdiction.

DATED: September 28, 2016

UNITED STATES DISTRICT JUDGE