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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FREDERICK COOLEY,
Plaintiff,
v.
WELLS FARGO BANK, N.A., et al.,
Defendants.

No. 2:16-cv-0113 JAM CKD PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se and in forma pauperis. In this action, plaintiff alleges claims on behalf of the estate of Frederick Grant Cooley relating to a reverse mortgage entered into by decedent Frederick Grant Cooley in 2005. The complaint fails to set forth a basis for subject matter jurisdiction.

By order filed January 25, 2016, plaintiff was ordered to show cause no later than February 11, 2016 why this action should not be dismissed for lack of subject matter jurisdiction.¹

Plaintiff has filed a response to the order to show cause in which he alleges the basis of subject matter jurisdiction is fraud. Plaintiff's assertion fails to establish a proper basis for subject matter

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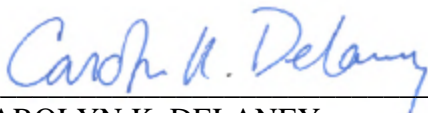
¹ Plaintiff was also ordered to submit the probate letters of administration and obtain counsel in order to prosecute this action on behalf of the estate. Plaintiff failed to comply with these orders. Plaintiff also failed to show why this action, on behalf of the estate, is not barred by the statute of limitations.

1 jurisdiction. There being no evident basis for subject matter jurisdiction, the court will
2 recommend that this action be dismissed.

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

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

12 Dated: February 26, 2016

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15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

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