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| 8  | UNITED STATES DISTRICT COURT   |                             |
| 9  | FOR THE EASTERN DISTRICT OF CALIFORNIA   |                             |
| 10 |  |                             |
| 11 | MICHAEL POWELL,  | No. 2:16-ev-1047 MCE CKD PS |
| 12 | Plaintiff,   |                             |
| 13 | V.   | <u>ORDER</u>                |
| 14 | TOMERY DARLING,  |                             |
| 15 | Defendant.   |                             |
| 16 |  |                             |
| 17 | This matter was referred to a United States Magistrate Judge pursuant to Local Rule                      |                             |
| 18 | 302(c)(21).  |                             |
| 19 | On June 15, 2016, the magistrate judge filed findings and recommendations herein which                   |                             |
| 20 | were served on the parties and which contained notice to the parties that any objections to the          |                             |
| 21 | findings and recommendations were to be filed within fourteen days. Objections to the findings           |                             |
| 22 | and recommendations have been filed.   |                             |
| 23 | In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this                   |                             |
| 24 | court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the |                             |
| 25 | court finds the findings and recommendations to be supported by the record and by proper                 |                             |
| 26 | analysis.  |                             |
| 27 | /////  |                             |
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(PS) Powell v. Darling

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## Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed June 15, 2016 are adopted in full; 2. This action is remanded to the Superior Court of California, County of Placer; and 3. The motion to vacate judgment (ECF No. 6) is denied for lack of subject matter jurisdiction. IT IS SO ORDERED. Dated: July 5, 2016 UNITED STATES DISTRICT JUDGE