

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DION ANDERSON, and KONANYAH  
BN YAHLAZAR,  
  
Plaintiff,  
  
v.  
  
THE STATE OF CALIFORNIA, et al.,  
  
Defendants.

No. 2:23-cv-0522 WBS KJN P

ORDER

Plaintiff is a state prisoner proceeding pro se. On March 17, 2023, plaintiff filed a “Request and Notice for Removal to the Eastern District,” under 28 U.S.C. § 1441. Plaintiff sought removal of his petition for writ of mandate filed in state court. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 28, 2023, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. On May 1, 2023, plaintiff filed a document styled, “Plaintiff’s Objection to Magistrate Judge’s Findings and Recommendations.” However, plaintiff does not object, but rather concedes that only defendants have a right to remove an action to federal court under 28 U.S.C. § 1441, and therefore “concedes to remand back to the Sacramento Superior Court for further proceedings.” (ECF No. 6.)

1 The court presumes that any findings of fact are correct. See Orand v. United States, 602  
2 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo.  
3 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having  
4 reviewed the file, the court finds the findings and recommendations to be supported by the record  
5 and by the magistrate judge’s analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed March 28, 2023, are **ADOPTED** in full; and
- 8 2. Plaintiff’s action is **REMANDED** to the Sacramento County Superior Court.

9  
10 Dated: May 12, 2023

/s/ John A. Mendez for  
\_\_\_\_\_  
11 THE HONORABLE WILLIAM B. SHUBB  
12 UNITED STATES DISTRICT JUDGE

13 /ande0522.800  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28