

United States District Court
For the Northern District of California

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E-Filed 11/22/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COMMUNITY FUND, LLC,

No. C 10-2644 RS

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

CONSEULO LOPEZ,

Defendant.

On October 19, 2010, Magistrate Judge Laporte held a Case Management Conference. Plaintiff Community Fund appeared by telephone; defendant did not appear, nor did she file a Case Management Statement or respond to court notices regarding consent to magistrate judge jurisdiction. There is some indication that defendant has not provided the Court with an accurate address. At the Conference, plaintiff made an oral motion to remand this unlawful detainer matter to state court. Because not all parties consented to magistrate judge jurisdiction, this matter was reassigned to the undersigned.

Prior to reassignment, Judge Laporte issued a report and recommendation on October 19, 2010 granting plaintiff's motion to remand, on the grounds that this Court lacks subject matter jurisdiction. Lopez did not oppose the report and recommendation. While there is some concern that Lopez—due to her failure to provide an accurate address or to attend the CMC—did not have

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ORDER

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an opportunity to oppose plaintiff's oral motion. This concern is allayed, however, by Judge Laporte's report and recommendation. Subject matter jurisdiction is so clearly lacking that defendant's opposition would appear to be futile. In light of defendant's pro se status, attorney fees will not be awarded. The clerk is directed to transfer the matter to the Alameda Superior Court.

IT IS SO ORDERED.

Dated: 11/22/10



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:

Consuelo Lopez
22585 Sonoma Street
Hayward, Ca 94541

DATED: 11/22/2010

/s/ Chambers Staff
Chambers of Judge Richard Seeborg

* Counsel are responsible for distributing copies of this document to any co-counsel who have not registered with the Court's electronic filing system.