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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

v.

CARLOS LOPEZ,

Defendant.

No. C-11-3550 EMC

**ORDER GRANTING DEFENDANT'S
APPLICATION TO PROCEED IN
FORMA PAUPERIS; AND GRANTING
PLAINTIFF'S MOTION FOR REMAND**

(Docket Nos. 2, 4)

Based on the *ex parte* request of Plaintiff, and good cause appearing therefore, it is hereby
ORDERED THAT:

(1) Defendant Lopez's application to proceed *in forma pauperis* is **GRANTED**, as he
meets the economic eligibility requirement. *See* 28 U.S.C. § 1915(a).

(2) Plaintiff's *ex parte* application for remand is **GRANTED** and this action is hereby
REMANDED to the Superior Court.

(3) The Court determines that Defendant Lopez's notice of removal was in bad faith
because this is Defendant's third attempt to remove the same action from State Court. This Court
has previously remanded the same action and warned Mr. Lopez that "should he again seek to
remove the same state court action, this Court will not hesitate in imposing sanctions." *See Federal
National Mortgage Ass'n v. Lopez*, No. 11-2349 EMC, Docket No. 6, at 3. Accordingly, pursuant to
28 U.S.C. § 1447(c), the Court requires Mr. Lopez to pay Wells Fargo's "just costs and any actual
expenses, including attorney fees, incurred as a result of the removal." Plaintiff is instructed to file

1 an affidavit with this Court detailing any just costs and actual expenses no later than September 16,
2 2011.

3 (4) The Clerk of the Court is instructed not to accept any further notices of removal from
4 Mr. Lopez in this action, case number FCM116680, Superior Court of the State of California,
5 County of Solano.

6 This order disposes of Docket Nos. 2 and 4.

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8 IT IS SO ORDERED.

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10 Dated: September 2, 2011

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14 EDWARD M. CHEN
15 United States District Judge
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