

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WEDGEWOOD COMMUNITY FUND II,
LLC,

No. C 13-1293 SI

Plaintiff,

v.

**ORDER GRANTING ADOPTING
REPORT AND RECOMMENDATION
AND REMANDING CASE TO THE
SUPERIOR COURT FOR THE COUNTY
OF LOS ANGELES**

OLIVIA BARRIOS and MARY SANCHEZ,

Defendants.

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United States District Court
For the Northern District of California

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On March 21, 2013, *pro se* defendants Olivia Barrios and Mary Sanchez removed this unlawful detainer action from state court, asserting federal question jurisdiction as the basis for removal. This case was originally assigned to Magistrate Judge Spero, and on April 19, 2013, Judge Spero issued a Report and Recommendation re: Order to Show Cause. The Report and Recommendation finds that removal was untimely, and that there is no jurisdiction because there are no federal claims alleged in the unlawful detainer complaint and there is no basis for diversity jurisdiction. No objections to the Report and Recommendation were filed by the May 3, 2013 deadline. This case was reassigned to the undersigned judge.

The Court has reviewed the Notice of Removal and Judge Spero’s Report and Recommendation, and concludes that removal was improper and that this Court lacks jurisdiction for the reasons stated in the Report and Recommendation. Accordingly, the Court ADOPTS the Report and Recommendation and REMANDS this case to the Superior Court for the County of Los Angeles.

IT IS SO ORDERED.

Dated: June 11, 2013



SUSAN ILLSTON
United States District Judge