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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DIANA T. WILSON,

No. C 13-4814 SI

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION TO GRANT
MOTION TO REMAND AND DENY
REQUEST FOR ATTORNEY'S FEES
AND SANCTIONS**

v.

JOLY GAGNI,

Defendant.

On July 22, 2013, plaintiff filed a lawsuit for unlawful detainer against defendant in Placer County Superior Court. Docket No. 1, Compl. On October 16, 2013, defendant removed the action from state court to this Court pursuant to 28 U.S.C. § 1441 on the basis of federal question jurisdiction. Docket No. 1, Notice of Removal. On December 5, 2013, plaintiff filed a motion to remand. Docket No. 8. In the motion, plaintiff also requested an award of attorney's fees and that the Court sanction defendant pursuant to Federal Rule of Civil Procedure 11(c)(3). *Id.* at 4-5.

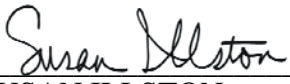
On January 17, 2014, Magistrate Judge Spero issued a Report and Recommendation ("the Report"). Docket No. 17. The Report recommends granting plaintiff's motion to remand and denying plaintiff's request for attorney's fees and sanctions. *Id.* Pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen days from service of the Report to file written objections. *See also* Fed. R. Civ. P. 72(b). The case was reassigned to the undersigned judge on January 23, 2014. Docket No. 20. Neither party filed objections to the Report by the appropriate deadline.

1 The Court has reviewed the Report and the docket in this case. The Court agrees with Judge
2 Spero's analysis. *See Wells Fargo Bank v. Lapeen*, 2011 U.S. Dist. LEXIS 60671, at *8-12 (N.D. Cal.
3 Jun. 2, 2011). Accordingly, the Court ADOPTS the Report and Recommendation, GRANTS plaintiff's
4 motion to remand, REMANDS this action to Placer County Superior Court, and DENIES plaintiff's
5 request for attorney's fees and sanctions.

6 This order resolves Docket Nos. 8 and 15.

7
8 **IT IS SO ORDERED.**

9
10 DATED: February 7, 2014



SUSAN ILLSTON
United States District Judge