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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BERNADETTE ZACHARIAH, et al.,  
Plaintiffs,  
v.  
MICHELLE MILLER,  
Defendant.

Case No. [16-cv-03286-JD](#)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION AND  
REMANDING CASE**

Re: Dkt. No. 5

The Court has reviewed Magistrate Judge Elizabeth D. Laporte's report and recommendation, recommending that this action be remanded to Alameda County Superior Court. Dkt. No. 5. No objections have been filed in response to the report, and the time to file objections has expired. *See* Fed. R. Civ. P. 72(b).

The Court agrees that the case should be remanded because federal subject matter jurisdiction is lacking and because removal of the action was untimely under 28 U.S.C. § 1446(b). Consequently, the Court adopts the report and recommendation of Judge Laporte in full, and orders the case remanded to the California Superior Court for Alameda County.

**IT IS SO ORDERED.**

Dated: July 12, 2016

  
\_\_\_\_\_  
JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 BERNADETTE ZACHARIAH, et al.,

4 Plaintiffs,

5 v.

6 MICHELLE MILLER,

7 Defendant.

Case No. [16-cv-03286-JD](#)

**CERTIFICATE OF SERVICE**

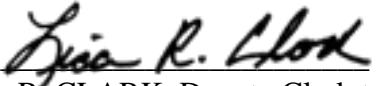
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9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

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12 That on July 12, 2016, I SERVED a true and correct copy(ies) of the attached, by placing  
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.

16  
17 Michelle Miller  
18 4460 MacArthur Boulevard, Apt.2  
Oakland, CA 94619

19  
20 Dated: July 12, 2016

21  
22 Susan Y. Soong  
Clerk, United States District Court

23  
24  
25 By:   
26 LISA R. CLARK, Deputy Clerk to the  
27 Honorable JAMES DONATO  
28