

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LA SALLE MANOR,
Plaintiff,
v.
DAWN IVERSON,
Defendant.

Case No. [16-cv-06284-JD](#)

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

Re: Dkt. No. 6

The Court has reviewed Chief Magistrate Judge Joseph Spero’s report and recommendation. Dkt. No. 6. 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 with Magistrate Judge Spero’s well-reasoned recommendation that this unlawful detainer action should be remanded pursuant to 28 U.S.C. § 1447(c) for lack of federal subject matter jurisdiction. The Court also agrees that attorney’s fees should not be awarded under that section at this time, but defendant should be admonished against further frivolous removals.

The Court consequently adopts the report and recommendation of Magistrate Judge Spero in full, orders the case remanded to the California Superior Court for the County of Contra Costa, and admonishes defendant Iverson that further frivolous removals will likely result in sanctions.

IT IS SO ORDERED.

Dated: December 19, 2016



JAMES DONATO
United States District Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 LA SALLE MANOR,
4 Plaintiff,

5 v.

6 DAWN IVERSON,
7 Defendant.
8

Case No. [16-cv-06284-JD](#)

CERTIFICATE OF SERVICE

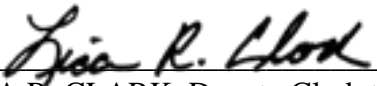
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
10 District Court, Northern District of California.

11
12 That on December 19, 2016, I SERVED a true and correct copy(ies) of the attached, by
13 placing 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 Dawn Iverson
18 762 Shell Avenue, #10
Martinez, CA 94553

19
20 Dated: December 19, 2016
21

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

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