

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

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Deutsche Bank National Trust Company, NO. C 09-03954 JW

Plaintiff,

v.

Arturo Pinedo, et al.,

Defendants.

**ORDER ADOPTING MAGISTRATE'S
REPORT AND RECOMMENDATION;
SUMMARILY REMANDING TO
MONTEREY SUPERIOR COURT**

Presently before the Court is Magistrate Judge Seeborg's Report and Recommendation filed on September 18, 2009.¹ (hereafter, "Report," Docket Item No. 6.) To date, no party has filed an objection to Judge Seeborg's Report.

The duties of the district court in connection with a report and recommendation of a magistrate judge are set forth in Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Any party may serve and file specific written objections to a magistrate judge's report and recommendation within ten (10) working days after being served with a copy. See 28 U.S.C. § 636 (b)(1)(C); Fed. R. Civ. P. 72(b); Civ. L.R. 72-3.

When the parties object to a report and recommendation, the district court "shall make a *de novo* determination of those portions of the [report and recommendation] to which objection is

¹ The Court notes that on October 1, 2009, Judge Seeborg filed a Notice re Report and Recommendation for Summary Remand stating that the Report correctly stated that the case was removed from Monterey Superior Court, but inadvertently stated that the matter should be remanded to Santa Clara Superior Court. (See Docket Item No. 8.) Judge Seeborg clarified that remand should be made to Monterey Superior Court. (*Id.*)

1 made.” 28 U.S.C. § 636(b)(1); see United States v. Raddatz, 447 U.S. 667, 676 (1980). When no
2 objections are filed, the district court need not review the report and recommendation *de novo*.
3 Wang v. Masaitis, 416 F.3d 992, 1000 n.13 (9th Cir. 2005); United States v. Reyna-Tapia, 328 F.3d
4 1114, 1121-22 (9th Cir. 2003) (*en banc*). A district court may “accept, reject, or modify, in whole or
5 in part, the findings or recommendations made by the magistrate judge.” Fed. R. Civ. P. 72(b); 28
6 U.S.C. § 636(b)(1).

7 In light of the fact that no objections have been filed, the Court adopts Judge Seeborg’s
8 Report without modification. Accordingly, the Court orders that the case be summarily remanded to
9 Monterey Superior Court.

10 The Clerk of Court shall immediately remand this case to the Monterey Superior Court and
11 close this file.

12
13 Dated: October 16, 2009

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
JAMES WARE
United States District Judge

United States District Court
For the Northern District of California

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Edward A Treder edwardt@bdftw.com
3 Kent Jeffrey Schmidt schmidt.kent@dorseylaw.com

4 Arthuro & Gloria Pinedo
5 585 Hamilton Avenue
6 Seaside, CA 92955

7 **Dated: October 16, 2009**

Richard W. Wiking, Clerk

8
9 **By: /s/ JW Chambers**
10 **Elizabeth Garcia**
11 **Courtroom Deputy**