

E-Filed 2/2/2010

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

WACHOVIA MORTGAGE FSB,
Plaintiff,

v.

ANTHONY V. GUANCIONE III, R. AUBREE
GUANCIONE, AND WILLIAM BULLOCK
STEWART III,

Defendants.

Case Number C 09-06029 JF (HRL)

ORDER ADOPTING REPORT AND
RECOMMENDATION TO REMAND
AND DENY WITHOUT PREJUDICE
AS MOOT DEFENDANT'S
APPLICATION TO PROCEED *IN
FORMA PAUPERIS*; ORDER TO
CLERK

[re: docket nos. 5, 6, 7, 9, 22, 23]

On January 4, 2010, Magistrate Judge Howard R. Lloyd filed a Report and Recommendation that this Court remand the instant action summarily to the Santa Clara Superior Court and deny without prejudice as moot Defendants' application to proceed *in forma pauperis*. Although Defendants have lodged numerous documents, they have not filed any objections to Judge Lloyd's Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72(b), and Civil Local Rule 72-3, this Court concurs with and adopts in its entirety Judge Lloyd's Report and Recommendation. Accordingly, the hearing on Defendants' motion to remand scheduled for February 5, 2010 is hereby VACATED. The Clerk shall transmit the file to the Santa Clara Superior Court and terminate any other pending motions.

IT IS SO ORDERED.

DATED: 2/2/2010



JEREMY FOGEL
United States District Judge

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(JFLC1)

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Copies of Order served on:

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