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E-Filed 2/28/2011

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

SYLVIA JONES,

Plaintiff,

v.

CITIMORTGAGE, INC., et al.,

Defendants.

Case Number 5:10-cv-05681 JF/HRL

ORDER¹ ADOPTING REPORT AND
RECOMMENDATION TO DISMISS
WITH LEAVE TO AMEND

[RE: Doc. No. 4]

Plaintiff originally filed the instant action against Defendants in the Santa Clara Superior Court. Defendants timely removed the case to this Court, where it was assigned to Magistrate Judge Howard R. Lloyd. Defendants then moved to dismiss Plaintiff's First Amended Complaint. Plaintiff filed opposition, and oral argument was set for February 8, 2011. However, on February 7, 2011, Plaintiff declined to consent to assignment to a Magistrate Judge. On February 8, 2011, Judge Lloyd ordered that the case be reassigned to a district judge and simultaneously issued a Report and Recommendation concluding that Defendants' motion should be granted, with leave to amend. No party has objected to the 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, Defendants' motion to dismiss Plaintiff's First Amended

¹ This disposition is not designated for publication and may not be cited.

1 Complaint will be granted, with leave to amend. Any amended complaint must be filed within
2 thirty (30) days of the date of this order.

3 IT IS SO ORDERED.

4 DATED: 2/28/2011


JEREMY FOGEL
United States District Judge

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1 Copies of Order served on:

2 Sylvia Jones
3 Post Office Box 6043
4 Santa Clara, CA 95056

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