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2 **E-Filed 4/19/2011**
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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
7 **SAN JOSE DIVISION**

8 AURORA LOAN SERVICES, LLC.,

9 Plaintiffs,

10 v.

11 JESSIE TORRES,

12 Defendant.
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Case Number 5:11-cv-0586 JF/PSG

ORDER¹ ADOPTING REPORT AND
RECOMMENDATION TO REMAND
TO STATE COURT

15 Defendant removed this action from the Santa Clara Superior Court. On February 11,
16 2011, Magistrate Judge Paul S. Grewal ordered that the case be reassigned to a district judge
17 with a recommendation that the case be remanded to state court based on a lack of subject matter
18 jurisdiction. While Defendant contends that removal is proper based on diversity of citizenship,
19 Judge Grewal correctly concluded that the damages sought in Plaintiff's unlawful detainer action
20 do not exceed \$75,000. No party has objected to the recommendation.

21 Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b), and Civil L.R. 72-3, this Court
22 concurs with and adopts in its entirety Judge Grewal's Report and Recommendation.
23 Accordingly, the action will be remanded to the Santa Clara Superior Court based on a lack of
24 subject matter jurisdiction. The Clerk shall close the file.
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28 ¹ This disposition is not designated for publication and may not be cited.

1 IT IS SO ORDERED.

2 DATED: April 19,2011

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4 JEREMY FOGEL
5 United States District Judge

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

AURORA LOAN SERVICES, LLC.,

 Plaintiffs,

 v.

JESSIE TORRES,

 Defendant.

Case Number 5:10-cv-04000 JF/PSG

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee of the Office of the Clerk,
United States District Court, Northern District of California.

On April 19, 2011, I served a true and correct copy of the attached document to each of
the persons hereinafter listed by placing said copy in a postage paid envelope and depositing said
envelope in the United States mail, or by placing said envelope in the outgoing mail delivery
receptacle located in the Clerk’s Office:

Jessie Torres
37A Union Street
San Jose, CA 95110

DATED: April 19, 2011

For the Court
Richard W. Weiking, Clerk

By: _____/s/
Diana Munz
Courtroom Deputy Clerk