

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

WELLS FARGO BANK, N.A.,	)	Case No.: 12-CV-01710-LHK
	)	
Plaintiff,	)	ORDER RELATING CASE, ADOPTING
v.	)	REPORT AND RECOMMENDATION,
	)	AND REMANDING CASE
CONSUELO LOMBERA, MARIA LOMBERA,	)	
DOES 1-10, inclusive,	)	
	)	
Defendants.	)	

This case is an unlawful detainer action that was referred to Magistrate Judge Howard R. Lloyd. Judge Lloyd referred this case to the undersigned judge for a determination whether this case is related to a previously filed case, *Wells Fargo Bank N.A. v. Lombera*, 11-CV-06390-LHK. Judge Lloyd also made a report and recommendation that the District Judge deny Defendant Maria Lombera’s application to proceed in forma pauperis, grant Plaintiff’s motion to remand this action to state court, and deny Plaintiff’s motion for attorneys’ fees. *See* ECF Nos. 2, 4. The Magistrate Judge’s Report and Recommendation was filed and served on May 10, 2012. No objections have been filed, and the time to file objections has expired. *See* Fed. R. Civ. P. 72(b)(2).


First, this Court finds that this case is related to case *Wells Fargo Bank, N.A. v. Lombera*, 11-CV-06390-LHK, as defined by Civil Local Rule 3-12(a). Indeed, this is the same unlawful detainer action that the Lomberas previously removed from state to federal court.

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Second, having reviewed the Report and Recommendation, as well as the record in this case, the Court finds that the Report and Recommendation is well-founded in fact and in law and, therefore, adopts the Report and Recommendation. Defendant Maria Lombera's Application for Leave to Proceed In Forma Pauperis is DENIED. Plaintiff's motion for attorneys' fees is DENIED. Defendants are on notice that any future attempts to remove this unlawful detainer action again to federal court may result in sanctions. Finally, this case is hereby REMANDED to the Santa Clara County Superior Court. The Clerk shall close the file.

**IT IS SO ORDERED.**

Dated: May 30, 2012

  
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LUCY H. KOH  
United States District Judge