

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 CMP-1, LLC,
5 Plaintiff,

6 v.

7 CAMELLA ANITA SEYMOUR,
8 Defendant.

Case No. [16-cv-06219-BLF](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF
MAGISTRATE JUDGE AND
REMANDING CASE TO STATE
COURT**

[Re: ECF 5]


10
11 The Court has reviewed the Report and Recommendation (“R&R”) of Magistrate Judge
12 Howard R. Lloyd remanding this unlawful detainer action and finding Defendant’s motion to
13 proceed in forma pauperis moot. *See* ECF 5.

14 When reviewing a Report and Recommendation for a nondispositive matter, a court must
15 “set aside any part of the order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P.
16 72(a). For a dispositive matter, like the one at issue here, a court “must determine de novo any
17 part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P.
18 72(b)(1)(3). *See also* 28 U.S.C. § 636(b)(1). No objections to the R&R have been filed and the
19 deadline to object has elapsed. *See* Fed. R. Civ. P. 72(b)(2) (deadline for objections is fourteen
20 days after being served with report and recommendation); *see* Docket No. 16-6219 (Defendant
21 served with R&R on October 31, 2016).

22 After reviewing the entire record in this case, the Court finds the R&R correct, well
23 reasoned, and thorough, and adopts it in every respect. Accordingly, the above-titled unlawful
24 detainer action is REMANDED to the Monterey County Superior Court.

25 **IT IS SO ORDERED.**

26 Dated: November 18, 2016

27 
28 BETH LABSON FREEMAN
United States District Judge