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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

SAMANTHA CORNELL,
Plaintiff,
v.
BANK OF AMERICA, N.A., et al.,
Defendants.

Case No. [18-cv-00003-BLF](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION TO REMAND
ACTION TO MONTEREY COUNTY
SUPERIOR COURT**

Plaintiff Samantha Cornell (“Plaintiff”) filed this action against Defendants Bank of America, N.A. (“Bank of America”), JP Morgan Chase & Co. (“Chase Bank”), and MUFG Union Bank (“Union Bank”) (collectively, “Defendants”) in Monterey County Superior Court consisting of a common law claim for money. *See* ECF 1 at 10 (“Compl.”). On January 2, 2018, Bank of America removed this action to federal district court on the basis of diversity jurisdiction. *See* ECF 1. On February 1, 2018, Bank of America filed an unopposed motion to remand the case to state court upon determining that Union Bank is a citizen of California for purposes of establishing diversity jurisdiction in federal court, and therefore no diversity exists between Plaintiff and Union Bank. *See* ECF 13, 13-1.

This case initially was assigned to Magistrate Judge Susan van Keulen, who issued a report and recommendation (“R&R”) that Bank of America’s unopposed motion to remand be granted because the Court lacks subject matter jurisdiction to adjudicate this case. *See* R&R, ECF 16. The case thereafter was reassigned to the undersigned judge because not all parties consented to magistrate judge jurisdiction. *See* Order Reassigning Case, ECF 17.

When a magistrate judge issues an R&R regarding a case-dispositive matter, a party may file “specific written objections” to the R&R within 14 days after being served with the R&R. Fed.

1 R. Civ. P. 72(b)(2). “The district judge must determine de novo any part of the magistrate judge’s
2 disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3). “When no timely
3 objection is filed, the court need only satisfy itself that there is no clear error on the face of the
4 record in order to accept the recommendation.” Fed. R. Civ. P. 72, Adv. Comm. Notes to 1983
5 Amend.; see also *Grasdalen v. Shartle*, No. CV 15-0299-TUC-JGZ (BGM), 2016 WL 4138274, at
6 *1 (D. Ariz. Aug. 4, 2016) (district court reviews for clear error where no objections are filed);
7 *Evony, LLC v. Aeria Games & Entm’t, Inc.*, No. C 11-0141 SBA, 2014 WL 12658953, at *1 (N.D.
8 Cal. June 12, 2014) (same).


9 The time for parties to file objections to the R&R has passed, and no objections have been
10 filed. *See* Fed. R. Civ. P. 72(b)(2). The Court agrees with Magistrate Judge van Keulen that
11 because Union Bank and Plaintiff are both citizens of California, the Court does not have diversity
12 jurisdiction pursuant to 28 U.S.C. § 1332(a)(1). There is also no basis for federal question
13 jurisdiction as the Complaint does not raise any federal questions. 28 U.S.C. § 1331. The parties
14 do not contest that this action should be remanded to state court. *See* ECF 13-1 at 3.

15 For the foregoing reasons, the Court finds Judge van Keulen’s R&R legally correct, well-
16 reasoned, and thorough, and ADOPTS it in its entirety. Accordingly, it is **HEREBY ORDERED**
17 that:

- 18 (1) Judge van Keulen’s R&R (ECF 16) is **ADOPTED**.
- 19 (2) Bank of America’s unopposed motion to remand (ECF 13) is **GRANTED**.
- 20 (3) This action is **REMANDED** to Monterey County Superior Court; and
- 21 (4) The Clerk shall close the file.

22
23 **IT IS SO ORDERED.**

24
25 Dated: March 6, 2018

26 
27 **BETH LABSON FREEMAN**
28 United States District Judge