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HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
CREDIT SUISSE FIRST BOSTON
MORTGAGE SECURITIES CORP.,
HOME EQUITY ASSET TRUST
2006-7, HOME EQUITY PASS
THROUGH CERTIFICATES ,
SERIES 2006-7,

Plaintiff,

v.

LAURA CASTILLO, MARTHA
GONZALEZ, SOCORRO A
HERNANDEZ, and All Occupants of
the Premises located at 19015
Southeast 170th Street, Renton, WA
98058,

Defendants.

CASE NO. C14-1350RAJ

ORDER

1 This matter is an unlawful detainer action, which comes before the court on
2 plaintiffs' motion to remand. Dkt. # 4. To-date, defendants have not filed an opposition
3 to the motion.¹ Accordingly, the court GRANTS the motion. *See* Local Civ. R. 7(b)(2)
4 (“[I]f a party fails to file papers in opposition to a motion, such failure may be considered
5 by the court as an admission that the motion has merit.”).

6 The court notes that defendant, Martha Gonzalez, has filed for chapter 7
7 bankruptcy protection in the Northern District of California, case number 14-43899. Dkt.
8 # 6. Although the automatic stay prohibits the adjudication of the merits of plaintiffs'
9 suit as to Ms. Gonzalez, it does not prevent this court from remanding the action. *See*
10 *Lindley Contours, LLC v. AABB Fitness Holdings, Inc.*, 414 F. App'x 62, 63 (9th Cir.
11 2011) (“[B]ecause we find that subject matter jurisdiction is lacking and do not reach the
12 merits of Appellant's claims, we need not retain jurisdiction over Mr. Cooper pursuant to
13 the automatic stay provision of § 362.”); *Evans v. Andersen*, 2010 WL 118398, at *1
14 (N.D. Cal. Jan. 7, 2010)(“[W]here the district court lacks jurisdiction over the action
15 filed before it the court is not without power to remand the action and the stay does not
16 deprive it of that power.”).

17 The court notes that defendant Laura Castillo's motion for leave to proceed in
18 forma pauperis (“IFP application”) is still pending. Dkt. # 1. Because the court lacks
19 jurisdiction, the motion is moot. Accordingly, the court declines to adopt the Report and
20 Recommendations of Magistrate Judge Mary Alice Thieler regarding the IFP application.
21 Dkt. # 7.

22 The clerk is directed to remand this action to King County Superior Court.
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25 ¹ Plaintiffs incorrectly noted the motion for October 3, 2014; the motion should have
26 been noted for October 10, 2014. *See* Local Rule 7(d)(3)(“[M]otions directed toward changing
27 the forum through remand...shall be noted for consideration on a date no earlier than the fourth
Friday after filing and service of the motion.”).

1 Dated this 24th day of October, 2014.

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5 The Honorable Richard A. Jones
6 United States District Judge
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