

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

BRIAND WILLIAMS,	)	Case No. CV 07-7655-AHM (MLG)
Plaintiff,	)	
v.	)	ORDER ACCEPTING AND ADOPTING
	)	FINDINGS AND RECOMMENDATIONS OF
COUNTY OF VENTURA, et al.,	)	UNITED STATES MAGISTRATE JUDGE
Defendants.	)	

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the complaint, the motion to amend, and all of the records and files herein and has conducted a de novo review of that portion of the Report and Recommendation of the United States Magistrate Judge to which objections were filed. The Court accepts and adopts the findings and recommendations in the Report and Recommendation and ORDERS that:

The second amended complaint be **DISMISSED** as to Defendants County of Ventura, Ventura County Sheriff Robert Brooks, Defendant Stelly, Defendant Perez, J. Clark, Michael Harris, P. Gomez, R. Garcia, A. Powell, R. Wade, A. Ramirez, Daniel Goodrich, R. Doepking, J. Gray, J. Eisenhard, T. Miller, F. Valdez IV, Richard Saville, M. De La Huerta, Jeffrey S. Miller, S. Karing, J. Miller, P. Mendoza, and John

1 Glueckert **WITH PREJUDICE** and without leave to amend.

2 Plaintiff's claim that his right of access to the courts was  
3 violated by the confiscation and withholding of his legal materials  
4 be **DISMISSED WITH PREJUDICE** and without leave to amend. Furthermore,  
5 any of the John and Jane Doe defendants whom Plaintiff claims violated  
6 his right of access to the courts by confiscating and withholding his  
7 legal materials are **DISMISSED WITH PREJUDICE**. As to Paragraph 61 of  
8 the proposed Third Amended Complaint, the conduct of the claim members  
9 of the County Counsel Office may not fall within the scope of  
10 *Imoler's* absolute immunity, but it does not give rise to a claim for  
11 relief anyway.

12 All of Plaintiff's claims for municipal and supervisory liability  
13 be **DISMISSED WITH PREJUDICE** and without leave to amend.

14 Plaintiff's request for reconsideration of the denial of the  
15 motion to file a third amended complaint is **DENIED**.

16 The action should proceed only against Deputy J. Holt, Deputy A.  
17 Wilkinson, Deputy R. Hull, Deputy F. Sedeño, Deputy J. Cashmark,  
18 Deputy A. Stone, Deputy R. Rawston, Senior Deputy P. Frank, Sergeant  
19 R. Bassi, and Sergeant Renee Ferguson, on the causes of action noted  
20 in the Report and Recommendation.

21

22 Dated: November 24, 2009

23

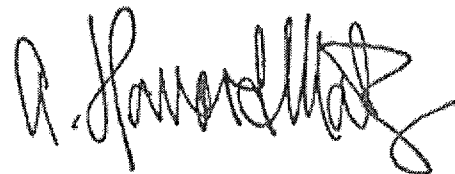
24

25

26

27

28



---

A. Howard Matz  
United States District Judge