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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ARLIN GROTIUS,	)	NO. CV 10-8777-DSF (MAN)
	)	
Plaintiff,	)	ORDER ACCEPTING FINDINGS AND
	)	
v.	)	RECOMMENDATIONS OF UNITED STATES
	)	
RIVERSIDE COUNTY, et al,	)	MAGISTRATE JUDGE
	)	
Defendants.	)	
_____	)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint, defendants' motion to dismiss the Complaint ("Motion"), all of the records herein, the Report and Recommendation of United States Magistrate Judge ("Report"), and plaintiff's Verified Opposition to the Report. The Court has engaged in a *de novo* review of those portions of the Report to which plaintiff has objected. The Court accepts the findings and recommendations set forth in the Report.

**IT IS ORDERED** that the Motion is GRANTED, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as follows:

1 (1) Claims One and Two of the Complaint are dismissed with leave  
2 to amend;

3  
4 (2) Claim Three of the Complaint is dismissed without leave to  
5 amend; and

6  
7 (3) Plaintiff is granted leave to file a First Amended Complaint  
8 consistent with this Order and the Report.

9  
10 Plaintiff shall have **thirty (30) days** from the date of this Order  
11 within which to file and serve upon counsel for defendants a First  
12 Amended Complaint that attempts to cure the defects described in the  
13 Report. The First Amended Complaint, if any, shall be complete in  
14 itself; it shall not refer in any manner to the original Complaint.

15  
16 **Plaintiff is explicitly cautioned that failure to timely file a**  
17 **First Amended Complaint may result in a dismissal of this action for**  
18 **failure to prosecute and/or for failure to comply with this Court's**  
19 **orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.**

20 6/27/11

21 DATED: \_\_\_\_\_.



22  
23 \_\_\_\_\_  
24 DALE S. FISCHER  
25 UNITED STATES DISTRICT JUDGE  
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