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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SOPHIA LOPEZ,	)	Case No. 1:09-cv-02174-LJO-JLT
Plaintiff,	)	
vs.	)	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN FULL DISMISSING DEFENDANT JOHNSON WITH PREJUDICE
MARTHA JOHNSON and RENEE RICHARDSON,	)	(Docs. 1, 5)
Defendants.	)	

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Plaintiff is a self-represented litigant who sought to proceed in forma pauperis with a civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 302 and 304.

On June 15, 2010, Plaintiff filed an amended complaint. (Doc. 18) The amended complaint continued to assert liability against defendant Johnson despite that the only actions alleged to have been taken by her occurred while she was acting in her role as the hearing officer for the Kern County Housing Authority.

On June 21, 2010, the Magistrate Judge ordered defendant Johnson dismissed but granted leave to amend the complaint if Plaintiff could allege actions taken by Johnson that were outside of her role as the hearing officer. (Doc. 19) However, because the Court found that the balance of the amended complaint stated causes of action against other defendants, the Order advised Plaintiff that

1 her failure to amend the complaint would result in the Magistrate Judge issuing a Findings and  
2 Recommendation dismissing Johnson without leave to amend. The Order advised further that  
3 Plaintiff would be permitted to proceed in the matter against the remaining defendants. Johnson was  
4 given 20 days leave, or until July 12, 2010, to file her second amended complaint. Plaintiff failed to  
5 file a second amended complaint.

6 On July 19, 2010, the Magistrate Judge issued an Amended Findings and Recommendation  
7 that Johnson be dismissed from the litigation without leave to amend based upon the protections of  
8 absolute immunity. Plaintiff was granted 14 days from July 19, 2010, or until August 2, 2010, to file  
9 objections to the recommendation. Plaintiff has not filed objections.

10 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley  
11 United School Dist., 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983), this Court has conducted a *de novo* review of  
12 the case. Having carefully reviewed the entire file, the Court finds that the findings and  
13 recommendation are supported by the record and by proper analysis.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The findings/report and recommendations filed July 19, 2010, are ADOPTED IN FULL;  
16 and  
17 2. Defendant Martha Johnson IS DISMISSED from the action without leave to amend.

18 IT IS SO ORDERED.

19 **Dated: August 4, 2010**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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