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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICHARD GODINEZ,)	1:10-cv-303 OWW GSA
)	
)	
Plaintiff,)	
)	
v.)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS
FELIX M. LARA, FRESNO CALIFORNIA)	
HIGHWAY PATROL, VISALIA)	
COUNTY HIGHWAY PATROL, TULARE)	(Doc. 7)
COUNTY HIGHWAY PATROL, TULARE)	
COUNTY SHERIFF'S OFFICE, VISALIA)	
POLICE DEPARTMENT, CITY OF)	
VISALIA, JOHN DOES, 1-50,)	
)	
Defendants.)	

On May 3, 2019, the Magistrate Judge issued Findings and Recommendations recommending that several causes of action as well as several Defendants be dismissed from this action. The Court further recommended that Plaintiff be allowed to file an amended complaint to address specific claims. The [Findings and Recommendations](#) were served on Plaintiff and contained notice that any objections were to be filed within thirty (30) days. Plaintiff has not filed any objections.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the Findings and Recommendations are supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations dated May 3, 2010, are ADOPTED IN FULL;

- 1 2. Plaintiff's claims of a violation 42 U.S.C. § 1983 based on the Eighth and
2 Fourteenth Amendment of the United States Constitution are DISMISSED;
3 3. Plaintiff's claim made pursuant to Article 1 § 13 of the California Constitution is
4 DISMISSED;
5 4. Any causes of action against any Defendants in their official capacities.
6 are DISMISSED;
7 5. The following Defendants are DISMISSED from this action and the Clerk of the
8 Court shall terminate these Defendants on the docket:
9 a) the Fresno California Highway Patrol
10 b) the Visalia County Highway Patrol
11 c) the Tulare County Highway Patrol
12 d) the Tulare County Sheriff's Department and
13 e) the Visalia Police Department;
14 6 Plaintiff shall be permitted to file an amended complaint to include claims made
15 pursuant to 42 U.S.C. § 1983 for any violations of the Fourth Amendment of the
16 United States Constitution against any law enforcement officer or supervisor in
17 their individual capacity, or against the City of Visalia. The amended complaint
18 may also include a cause of action based on a violation of California Civil Code §
19 52.1;
20 7. Any amended Complaint shall be filed within thirty (30) days of the date of
21 service of this order. If Plaintiff decides to file an amended complaint, he is
22 reminded that an amended complaint supercedes the original complaint, [Forsyth](#)
23 [v. Humana, Inc., 114 F.3d 1467, 1474 \(9th Cir. 1997\)](#); [King v. Atiyeh, 814 F.2d](#)
24 [565, 567 \(9th Cir. 1987\)](#), and must be "complete in itself without reference to the
25 prior or superceded pleading." Local Rule 220. Plaintiff is warned that "[a]ll
26 causes of action alleged in an original complaint which are not alleged in an
27 amended complaint are waived." [King, 814 F.2d at 567](#) (citing to [London v.](#)
28 [Coopers & Lybrand, 644 F.2d 811, 814 \(9th Cir. 1981\)](#)); accord [Forsyth, 114 F.3d](#)

1 [at 1474](#). If Plaintiff attempts to amend beyond the claims outlined above, the
2 Court will dismiss the case; and

3 8. Finally, Plaintiff is also advised that if he fails to timely file an amended
4 Complaint, the Court will dismiss this action for failure to follow the Court's
5 order and diligently prosecute this action.

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9 IT IS SO ORDERED.

10 **Dated: June 21, 2010**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE