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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LYNN M. COLLINS, JAY & ANDREW)	1:10-cv-00430 AWI GSA
YOUNT FAMILY PRESERVATION)	
SOCIETY, INC., and JAY DEE YOUNT,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS
Plaintiffs,)	
v.)	ORDER DISMISSING CLAIMS AND
)	DIRECTING PLAINTIFF TO FILE AN
THE PLANNING COMMISSION OF THE)	AMENDED COMPLAINT
CITY OF MADERA, CALIFORNIA,)	
DENNIS WRIGHT, KENNY SHOETTLER)	(Document 8)
and WILLIE HIBDON,)	
)	
Defendants.)	

On May 19, 2010, the Magistrate Judge issued Findings and Recommendations recommending that certain causes of action be dismissed from this action. The Court further recommended that Plaintiffs be allowed to file an amended complaint to address other deficient claims, as well as the legal representation status of named Plaintiff Jay & Andrew Yount Family Preservation Society, Inc. (“YFPSI”). The Findings and Recommendations were served on Plaintiffs and contained notice that any objections were to be filed within thirty (30) days. Plaintiffs have not filed any objections.

In accordance with the provisions of Title 28 of the United States Code section 636

1 (b)(1)(c), this Court has conducted a de novo review of the case. Having carefully reviewed the
2 entire file, the Court finds that the Findings and Recommendations are supported by the record
3 and proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The Findings and Recommendations dated May 19, 2010, are ADOPTED IN
6 FULL;

7 2. Plaintiffs' claims pertaining to California's Brown Act are DISMISSED;

8 3. Plaintiffs' claims pertaining to California Civil Code section 1573 are
9 DISMISSED;

10 4. Plaintiffs' claims pertaining to Title 18 of the United States Code sections 241,
11 242 and 245 are DISMISSED;

12 5. Plaintiffs shall be permitted to file an amended Complaint to include claims made
13 pursuant to California Business and Professions Code section 17001, and claims pertaining to
14 California Government Code sections 65583 and 65589.5. Plaintiffs are reminded they must
15 address the legal representation status of YFPSI if it remains a named Plaintiff in the amended
16 Complaint;

17 6. Any amended Complaint shall be filed within thirty (30) days of the date of
18 service of this order. Further, if Plaintiffs decide to file an amended Complaint, Plaintiffs are
19 reminded that an amended complaint supercedes the original complaint (*Forsyth v. Humana,*
20 *Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997); *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987)),
21 and must be "complete in itself without reference to the prior or superceded pleading." Local
22 Rule 220. Plaintiffs are warned that "[a]ll causes of action alleged in an original complaint
23 which are not alleged in an amended complaint are waived." *King*, 814 F.2d at 567 (citing to
24 *London v. Coopers & Lybrand*, 644 F.2d 811, 814 (9th Cir. 1981)); *accord Forsyth*, 114 F.3d at
25 1474. If Plaintiffs attempt to amend beyond the claims outlined above, the Court will dismiss
26 the case; and

1 7. Finally, Plaintiffs are also advised that if they fail to timely file an amended
2 Complaint, the Court will dismiss this action for failure to follow the Court's order and diligently
3 prosecute this action.

4
5 IT IS SO ORDERED.

6 Dated: June 28, 2010



CHIEF UNITED STATES DISTRICT JUDGE