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

BRENT ALLEN WINTERS, et al.,

Plaintiff,

No. CIV-S-09-0522-JAM-KJN-PS

vs.

DELORES JORDAN, et al.,

ORDER

Defendants.

_____/

On August 2, 2010, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. (Dkt. No. 148.) On August 24, 2010, plaintiffs filed untimely objections to the magistrate judge’s findings and recommendations (Dkt. No. 166) and, on September 2, 2010, defendants Ryan Arbuckle and Burrows Security Force filed a response to plaintiffs’ objections (Dkt. No. 174). Despite the untimely nature of plaintiffs’ objections, the undersigned has considered those objections out of an abundance of caution.

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As

1 to any portion of the proposed findings of fact to which no objection has been made, the court
2 assumes its correctness and decides the motions on the applicable law. See Orand v. United
3 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
4 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
5 1983).

6 The court has reviewed the applicable legal standards and, good cause appearing,
7 concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full.

8 Accordingly, IT IS ORDERED that:

9 1. The Proposed Findings and Recommendations filed August 2, 2010 (Dkt. No. 148),
10 are ADOPTED;

11 2. Defendants Burrows Security Forces' and Ryan Arbuckle's motion to dismiss the
12 Third Amended Complaint (Dkt. No. 79) is granted; and

13 3. All of plaintiffs' claims alleged against defendants Burrows Security Forces and Ryan
14 Arbuckle are dismissed with prejudice.

15 DATED: September 13, 2010

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17 /s/ John A. Mendez
18 UNITED STATES DISTRICT JUDGE
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