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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.,

Defendants.

ORDER

On March 14, 2011, the magistrate judge filed findings and recommendations (Dkt. No. 268) 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. Although plaintiffs filed untimely objections to the findings and recommendations on April 4, 2011 (Dkt. No. 276), the undersigned has considered the objections out of an abundance of caution.

The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

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

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1 Accordingly, IT IS ORDERED that:

2 1. The Proposed Findings and Recommendations filed March 14, 2011, are ADOPTED;

3 2. Defendants' motion to dismiss the Third Amended Complaint (Dkt. No. 116) is
4 granted in part as to the following named defendants: Adult Protective Services, Kelly Carpenter,
5 Tamaran Cook, and Jeffrey S. Brown.

6 3. All of plaintiffs' claims alleged against defendants Adult Protective Services, Kelly
7 Carpenter, and Tamaran Cook—except plaintiff Susan Winters's equal protection claim (claim
8 7)—are dismissed with prejudice.

9 4. All of plaintiffs' claims alleged against defendant Jeffrey S. Brown are dismissed with
10 prejudice, and defendant Jeffrey S. Brown is dismissed from this action.

11 DATED: May 10, 2011

12 /s/ John A. Mendez
13 UNITED STATES DISTRICT JUDGE
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